97-84205-12

U.S. Congress. Senate. Committee on Education...

Report of the chairman of the Committee on...

Washington

1946

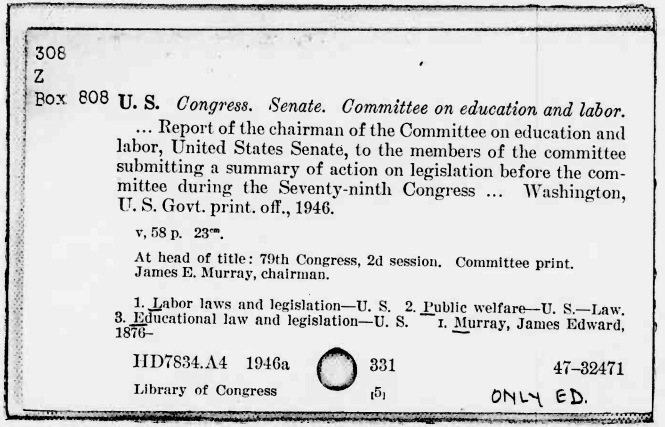
97-84205-12

MASTER NEGATIVE #

COLUMBIA UNIVERSITY LIBRARIES
PRESERVATION DIVISION

BIBLIOGRAPHIC MICROFORM TARGET

ORIGINAL MATERIAL AS FILMED - EXISTING BIBLIOGRAPHIC RECORD



308
Z
Box 808 **U. S.** *Congress. Senate. Committee on education and labor.*
... Report of the chairman of the Committee on education and labor, United States Senate, to the members of the committee submitting a summary of action on legislation before the committee during the Seventy-ninth Congress ... Washington, U. S. Govt. print. off., 1946.

v, 58 p. 23cm.

At head of title: 79th Congress, 2d session. Committee print.
James E. Murray, chairman.

1. Labor laws and legislation—U. S. 2. Public welfare—U. S.—Law. 3. Educational law and legislation—U. S. I. Murray, James Edward, 1876–

HD7834.A4 1946a 331 47-32471
Library of Congress [5] ONLY ED.

RESTRICTIONS ON USE: *Reproductions may not be made without permission from Columbia University Libraries.*

TECHNICAL MICROFORM DATA

FILM SIZE: 35mm **REDUCTION RATIO:** 10:1 **IMAGE PLACEMENT:** IA (IIA) IB IIB

DATE FILMED: 10-2-97 **INITIALS:** IP

TRACKING # : 27868

FILMED BY PRESERVATION RESOURCES, BETHLEHEM, PA.

79th Congress
2d Session

COMMITTEE PRINT

REPORT

OF THE

CHAIRMAN OF THE COMMITTEE ON EDUCATION AND LABOR UNITED STATES SENATE

TO THE

MEMBERS OF THE COMMITTEE

SUBMITTING

A SUMMARY OF ACTION ON LEGISLATION BEFORE THE COMMITTEE DURING THE SEVENTY-NINTH CONGRESS

Barnard College
Columbia University
The Millbrook Library

Printed for the use of the Committee on Education and Labor

UNITED STATES
GOVERNMENT PRINTING OFFICE
94523 WASHINGTON : 1946

APR 30 1952 PJR

COMMITTEE ON EDUCATION AND LABOR

JAMES E. MURRAY, Montana, *Chairman*

DAVID I. WALSH, Massachusetts
ELBERT D. THOMAS, Utah
CLAUDE PEPPER, Florida
ALLEN J. ELLENDER, Louisiana
LISTER HILL, Alabama
DENNIS CHAVEZ, New Mexico
JAMES M. TUNNELL, Delaware
JOSEPH F. GUFFEY, Pennsylvania
OLIN D. JOHNSTON, South Carolina
J. W. FULBRIGHT, Arkansas

ROBERT M. LA FOLLETTE, JR., Wisconsin
ROBERT A. TAFT, Ohio
GEORGE D. AIKEN, Vermont
JOSEPH H. BALL, Minnesota
H. ALEXANDER SMITH, New Jersey
WAYNE MORSE, Oregon
FORREST C. DONNELL, Missouri

CHARLES A. MURRAY, *Clerk*
PAUL SAMPLE, *Assistant Clerk*
JOSEPH P. MCMURRAY, *Special Assistant*

LETTER OF SUBMITTAL

UNITED STATES SENATE,
COMMITTEE ON EDUCATION AND LABOR,
December 27, 1946.

To the Members of the Committee on Education and Labor:

In submitting to you the following report of your committee's activities in the form of a legislative history of the bills on which some action was taken, I do so with a sense of justifiable pride and sincere gratitude.

Your committee had referred to it for consideration in the Seventy-ninth Congress over 100 bills, and in the course of its deliberations on some of these bills received over 10,000 printed pages of testimony. A large number of these bills were highly controversial; a good number were of a pioneering nature; and most of them presented some highly technical and complicated problems. The subject matter of the bills affected the lives and welfare of most of our citizens, and wide and serious public interest centered on most of the legislation we considered. A large part—perhaps the most controversial parts of the President's program—was referred to our committee and became the subject matter of many of our deliberations.

A new field of Federal aid originated and became public law largely because of the intensive and constructive deliberations and actions of your committee—Federal aid to hospitals and the mental health program. Improved and more refined legislation on aid to education was developed by your committee. Veterans' housing received its greatest concrete aid to date from this committee in its speedy consideration and constructive work on the temporary housing bills. The comprehensive hearings and long committee deliberations on minimum wage legislation resulted in much greater agreement among committee members than is generally recognized. The daily press quite naturally tends to emphasize the relatively few differences—some admittedly important ones—existing between the members of the committee. All our sights were lifted. In the highly complicated and extremely controversial field of labor relations, many legal and economic misinterpretations and misconstructions were removed in the process of the committee's consideration of the bills before it. This has resulted in more crystallized and clearly defined approaches to the problems involved and thus will enable the Members of Congress to recognize more easily the policy issues for what they really are. In the field of medical care, your committee's consideration of the problem has caused all to agree on the extreme seriousness and magnitude of the problem, in spite of the sincere and sharp differences of opinion as to the proper solution of the problem. The sponsors of the particular legislation under consideration, and the members of the com-

mittee, were complimented by all sides for raising the problem, and for their intelligent consideration of it.

No one can read the report which follows without realizing how much time you, the members of this committee, directed to the legislation before us; nor can anyone fail to realize how much cooperation I received from each and every one of you in carrying through such a heavy legislative program.

I am grateful to you. I also want to express my appreciation, and I believe yours, to the very small but highly efficient staff who helped us all.

Very sincerely yours,

JAMES E. MURRAY, *Chairman.*

CONTENTS

	Page
Part I, Labor Relations, Wages, and Working Conditions:	
Fact-finding and mediation bills (S. 1661, H. R. 4908, S. 1171, and S. 1419)	1
Minimum wage amendments (S. 1349 and H. R. 4130)	2
United States Employment Service (S. 1456, S. 1510, S. 1848, and H. R. 4437)	12
Women's equal pay bill (S. 1178, H. R. 5221)	16
Fair Employment Practice Act (S. 101, S. 459, and H. R. 2232)	18
Bureau of Labor Statistics cost-of-living studies (H. R., S. J. Res. 182)	20
Industrial health and safety bill (S. 1271)	21
Part II, Health and Welfare:	
The Hospital, Survey and Construction Act (S. 191 and H. R. 5628)	24
The National Mental Health Act (S. 1160 and H. R. 4512)	30
The National Health Act (S. 1606 and H. R. 4730)	31
Maternal and Child Welfare Act of 1945 (S. 1318 and H. R. 3922)	34
Social protection bill (S. 1779 and H. R. 5234)	36
Dental research (S. 190, S. 1099, and H. R. 3816)	37
Part III, Education and Recreation:	
Vocational education (S. 619 and H. R. 4384)	39
Federal aid to education (S. 181, S. 717, S. 2499, and H. R. 1296)	40
Emergency aid to war-congested schools (H. R. 5796)	46
Public library service demonstration bill (S. 1920 and H. R. 5742)	47
Community recreation services bill (S. 2070)	48
Part IV, Housing and Construction:	
Educational facilities bills (S. 1770 and S. 2085)	50
Temporary housing (S. J. Res. 122, S. 1821, and H. R. 5455)	52
Part V, Workmen's Compensation:	
Amendment to Compensation Act to provide for extension of coverage, and other changes (S. 714)	55
Amendment to Compensation Act to include certain employees detained by the enemy (S. 1561)	56
Amendment to Workingmen's Compensation Act, to provide for extension of coverage and for other changes (S. 1325)	57
Amendment to Compensation Act to provide for treatment by chiropractic practitioners (S. 178)	58

PART I. LABOR RELATIONS, WAGES, AND WORKING CONDITIONS

Fact-Finding and Mediation Bills

On December 3, 1945, President Truman sent a message to Congress requesting the enactment of legislation providing for the establishment of fact-finding boards to aid in the settlement of labor disputes seriously affecting the national public interest.[1]

The legislation which the President recommended would have empowered the President to establish fact-finding boards in cases where labor disputes affecting the public interest continue without agreement being reached by the parties. These boards were to find and publish the facts in such labor disputes and to make their recommendations in accordance therewith. The pressure of public opinion was intended to insure compliance by the parties with their recommendations. As adjuncts to this process the President recommended the inclusion of cooling-off periods and the subpena power. During the period of investigation by fact-finding boards the parties to a dispute were to be required to maintain the status quo existing prior to the dispute. To aid in their investigations the fact-finding boards were to be given the power to subpena the books and records of either party.

Two bills, embodying the President's suggestions, S. 1661 introduced by Mr. Ellender, of Louisiana, and H. R. 4908, introduced by Mrs. Norton, of New Jersey, were thereupon submitted, one in each House in Congress.[2] These bills were referred to this committee and the House Labor Committee. Hearings by this committee were begun on December 12, 1945. Pending before the committee at that time, along with S. 1661, were S. 1419, the McMahon bill, and S. 1171, the Ball-Burton-Hatch bill. The former was designed to provide a strengthened conciliation and mediation service within the Department of Labor. The latter was intended to set up machinery for handling all but local labor disputes, and in addition to expand the list of unfair labor practices under the National Labor Relations Act to include practices of employees and labor unions. Both of these bills were amended shortly after the start of the hearings to incorporate fact-finding procedures within their provisions. In addition, the provisions of S. 1171 designed to amend the National Labor Relations Act, were deleted. The bills as amended were offered as amendments in the nature of substitutes for S. 1661. The hearings extended through 3 days in December and 14 days in January and February of 1946.[3] Witnesses included the protagonists in the principal labor disputes then current, the heads of the largest and most

[1] 91 Congressional Record 11471–11472.
[2] 91 Congressional Record 11709–11711, 11705.
[3] Hearings before the Committee on Education and Labor, U. S. Senate, 79th Cong., on S. 1661, pts. 1 and 2, December 12, 13, 14, 1945, January 15, 16, 17, 25, 26, 28, 30, 31, February 1, 5, 6, 7, 9, 11, 1946.

influential labor and employer groups in the country, and in addition men such as William H. Davis and Dr. William Leiserson, who had had extensive experience in handling labor relations problems. The testimony of these witnesses, although not hostile, generally expressed little faith in fact finding as a means of solving the current wage disputes. Strong objections were made to both cooling-off periods and to the subpena provisions. Many witnesses opposed the compulsory features of the amended S. 1171. The one proposition on which there seemed to be general agreement was the proposal to strengthen the Conciliation Service.

During the period of these hearings the House Labor Committee had been holding hearings on H. R. 4908.[4] On January 28, 1946, the House Committee reported out an amended fact-finding bill minus any provisions for cooling-off periods or for the subpena power.[5] The House Rules Committee then granted a rule permitting the substitution of H. R. 5262, the Case bill, for H. R. 4908 on the floor of the House.[6] This was done after 2 hours of general debate,[7] and on February 7, 1946, the Case bill, as substituted for H. R. 4908 and amended, was passed by the House.[8]

H. R. 4908, as amended, would have established an independent tripartite mediation board outside the Department of Labor. This board, although having no compulsory powers, would have been given a period of 30 days within which it would endeavor to persuade disputing employers and employees to come to an agreement or submit their disputes to arbitration. During this period both parties would maintain their original positions and a violation thereof would have been prevented through the use of the criminal injunction. Under the heading of Miscellaneous Provisions, H. R. 4908 was designed to provide a Federal right of action for breach of a collective bargaining agreement, Federal penalties against secondary boycotts, and violence on the picket lines, and to withdraw the protection of the National Labor Relations Act from a broad class of supervisory employees.[9]

This committee, since it had not at the time of the passage of H. R. 4908 in the House taken action on S. 1661, extended its hearings to cover these elements of H. R. 4908 which had not already been discussed in the hearings on the fact-finding bills. The committee met in single and double sessions, 7 days throughout February 1946. At these hearings the controversial provisions of H. R. 4908 were thoroughly discussed with the leaders of both management and labor.[10] The majority of the committee after listening to the testimony of the witnesses came to the conclusion that most of the provisions of the Case bill were unwise and would tend to increase rather than to diminish labor strife.[11] Some matters such as violence on the picket line and the enforcement of labor contracts it was felt should be left to be handled by local laws. The provision prohibiting secondary

[4] Hearings before the Committee on Labor, U. S. House of Representatives, 79th Cong., December 10, 12, 13, and 14, 1945.
[5] H. Rept. 1493, 79th Cong.
[6] H. Res. 500, 79th Cong.
[7] 92 Congressional Record 679–704, 755–813, 856–878, 942–966, 1015–1055.
[8] 92 Congressional Record 1096.
[9] 92 Congressional Record 1094–1096.
[10] Hearings before the Committee on Education and Labor, U. S. Senate, on H. R. 4908, 79th Cong., February 19, 22, 23, 25, 26, 27, and 28, 1946.
[11] S. Rept. 1177, 79th Cong., pp. 11–12.

boycotts was deleted because the majority did not wish for a repetition of the previous history of Federal regulation in this field. The provision concerning supervisory employees was stricken because it was thought that this matter should more properly be handled by the National Labor Relations Board. The provision for fact-finding boards was rejected on the ground that no new statutory authorization was needed. Finally, the provision for cooling-off periods was omitted because the history of the War Labor Disputes Act had shown this to be a useless device, difficult to enforce and of no perceptible help in preventing strikes.[12]

On April 15 this committee reported H. R. 4908 with an amendment in the nature of a substitute.[13] The substitute bill provided for the creation of an independent Federal Mediation Board in the Department of Labor to which would be transferred the conciliation and mediation functions of the Department. This Board was authorized to assist the parties to settle labor disputes through conciliation, mediation, and voluntary arbitration, and to pay up to $500 of an arbitrator's fee plus the cost of the transcript in a given dispute. Other provisions of the bill included the Aiken amendment prohibiting interference with the transportation of perishable farm products and the maintenance by the Bureau of Labor Statistics of a file of mediation, conciliation, and arbitration agreements and awards.

A minority of the committee submitted a report in which they stated Congress should enact legislation to strengthen Federal mediation machinery and to impose legal responsibilities on labor unions and their leaders.[14] To that end they stated they would offer six amendments to the committee bill providing for cooling-off periods, fact-finding procedures in disputes involving public utilities, making unions and employers liable in suits brought in any United States court for violations of collective-bargaining agreements, making secondary boycotts violations of the antitrust laws, excluding supervisory employees from the definition of employee in the National Labor Relations Act, and outlawing violent conduct by employees in connection with labor disputes, industrial espionage, the employment of strikebreakers, and the hiring of armed officers or guards, or the use of munitions in labor disputes, with violations subject to injunction or loss of rights under the National Labor Relations Act.

When H. R. 4908, as amended, was called up for consideration by the Senate on May 10, 1946,[15] a national coal strike had already been called. The main point of disagreement between the miners and operators in this dispute was over the establishment of a welfare fund to be financed by a royalty on each ton of coal mined. Following the introduction of H. R. 4908 on the floor of the Senate, the first amendment offered was an amendment sponsored by Mr. Byrd which would have made it unlawful to pay a representative of employees anything of value except wages or union dues.[16] This amendment was finally adopted in altered fashion after extended debate and over the objections of a minority.[17] As adopted it prohibited payments for the establishment of welfare funds except where the employer had an

[12] 92 Congressional Record 4902–4903.
[13] S. Rept. 1177, 79th Cong.
[14] S. Rept. 1177, 79th Cong., pt. 2.
[15] 92 Congressional Record 4902–4904.
[16] 92 Congressional Record 4904.
[17] 92 Congressional Record 5660–5661.

equal share in the administration of the fund. Following the introduction of this amendment over 30 more amendments were offered. Those adopted largely introduced the original provisions of H. R. 4908 as it passed the House. The collective bargaining contract enforcement provision was reinstated in altered language,[18] as was the provision concerning supervisory employees.[19] The provision against secondary boycotts was reintroduced by means of an amendment making such practices subject to the antitrust laws.[20] These amendments were the proposals of the minority members of the committee who had dissented from the report of the majority. Two other amendments proposed by this minority were also adopted. These reintroduced cooling-off periods for those disputes over which the Mediation Board was given jurisdiction,[21] and also limited the emergency fact-finding procedure to labor disputes in public utilities.[22] An additional amendment by Mr. Byrd and Mr. Eastland making labor unions subject to the provisions of the Anti-Racketeering Act was also adopted.[23] H. R. 4908 passed the Senate with these amendments on May 25, 1946, despite vigorous opposition.[24] The amended bill was agreed to by the House on May 29, 1946, and was sent to the President.[25] The President sent H. R. 4908 back with his veto on June 11, 1946.[26]

The President's veto message opposed the Case bill on the basic ground that the bill would not have helped to stop strikes and work stoppages. He distinguished his own proposals for temporary legislation on the ground that the Case bill was permanent legislation which had not been drafted after the adequate study which such permanent legislation needs. He described the bill as a collection of separate unrelated measures and not an over-all solution of the important problem with which it sought to deal. He recommended the establishment of a joint congressional committee to study the entire question and report recommendations for appropriate legislation within 6 months. In recommending such a congressional study, the President stressed the necessity of shaping permanent legislation in the light of causes of lock-outs, strikes, and industrial disturbances. These causes must be eliminated to the extent possible, he said. The President continued that with painstaking and dispassionate study which would probe fairly and deeply Congress would be able to evolve equitable legislation which would promise an era of peaceful industrial relations. He emphasized that proper legislation should not be characterized as either antilabor or prolabor, but that where excesses have developed on the part of labor leaders or management they should be corrected to bring about as great an equality as possible between the bargaining positions of labor and management. He stated that neither should be permitted to become too powerful as against the public interest as a whole.

Among the particular criticisms directed by the President to certain sections of the bill were the following: The penalties for violating the procedural provisions of the new mediation procedures were described as being inequitable as between labor and management. An employer who violated the statute could only be ordered (long after the event) to stop the violation, whereas the employee would lose his basic industrial rights and perhaps his means of livelihood through the denial of his Wagner Act benefits. The President feared that these provisions might result in some employers provoking strikes in order to give them the opportunity to discharge employee leaders. He felt the 60-day cooling-off period might precipitate premature notices for conferences and demands for mediation long before the possibilities of direct negotiations had been exhausted. He also criticized the requirement that the legality of any given strike would depend upon whether or not the mediation board proffered its services. He said that it was highly undesirable for the mere fact of mediation to operate so repressively on one of the parties, and feared that mediation would thus lose much of its effectiveness. The President also questioned the failure of the bill to provide for any affirmative recommendation at the expiration of the 60-day period. With reference to the provisions for emergency commissions for public utilities, the President stated it was difficult to understand why Congress had applied the fact-finding principle to such a limited field and had omitted it entirely in other industries of equal importance.

The President criticized the provisions of the bill which created a mediation board independent of the Secretary of Labor. He referred to the outstanding record of the Conciliation Service in settling disputes during its long history and opposed the establishment of a duplicate Department of Labor responsible neither to the Secretary of Labor nor to the President.

The President questioned the wisdom of removing from the scope of collective bargaining the establishment of welfare funds and characterized as improvident the enactment of permanent law on this subject without a study by a committee of Congress.

With reference to the section on supervisory employees, the President expressed fear of increased labor strife through the removal of Wagner Act benefits from such employees. He asked for a line to be drawn on one hand between the rights of the supervisory employees and on the other hand the right of management to proper protection. He said this section of the Case bill failed to draw this line. The President's criticism of the section of the bill which provided that suits for violation of collective-bargaining contracts could be brought in Federal courts was based upon his fear that this provision, taken in conjunction with the secondary boycott provision, would largely repeal the Norris-LaGuardia Act and change a long-established congressional policy. He expressed the belief that a sound and effective means of enforcing labor's responsibilities could be found without repealing the Norris-LaGuardia Act or imperiling the principles of the Wagner Act.

In commenting on the secondary boycott provisions, the President stated his opposition to improper applications of the secondary boycott and to the jurisdictional strike, which he said could not be justified under any circumstances. He stated that the antitrust laws were not designed to solve these abuses and that the section as written would permit the antitrust sanctions to be used against recognized legitimate

[18] 92 Congressional Record 5812–5816, 5829–5830.
[19] 92 Congressional Record 5805–5812, 3.
[20] 92 Congressional Record 5830–5836.
[21] 92 Congressional Record 5798–5799.
[22] 92 Congressional Record 5801–5805.
[23] 92 Congressional Record 5836–5837.
[24] 92 Congressional Record 5846–5847.
[25] 92 Congressional Record 6035–6057.
[26] 92 Congressional Record 6798–6801.

activities of organized labor. He deplored the rescinding of the Norris-LaGuardia Act and stated that the labor injunction is a weapon to which no private employer should be entitled except within the restrictions laid down in the Norris-LaGuardia Act.

The House sustained the President's veto when 255 Members voted to override and 135 voted to sustain.[27]

Minimum Wage Amendments

S. 1349, which provided for increasing the minimum wage under the Fair Labor Standards Act of 1938 from 40 to 65 cents an hour in the first year of operation, with automatic increases to 70 cents an hour in the second year of operation, and to 75 cents an hour thereafter, was introduced in the Senate on August 1, 1945, by Mr. Pepper, on behalf of himself and Messrs. Kilgore, Myers, Wagner, Chavez, Magnuson, Guffey, Mead, Murray, and Thomas of Utah.[28] Other provisions contained in the bill were:

(1) Industry committees would be authorized to (*a*) raise the minimum wage in a particular industry from 65 cents to an amount up to 75 cents earlier than 1947 in the same manner in which the 40-cent minimum was obtained under the original act and (*b*) establish reasonable wage differentials between interrelated job classifications.

(2) Certain exemptions would be eliminated from the act:

(a) Wage and hour exemptions for—

(1) individuals employed within "the area of production" (sec. 13 (a) (10));

(2) individuals employed in canning and other processing of fish and allied products (sec. 13 (a) (5));

(3) seamen (sec. 13 (a) (3)).

(b) The overtime exemption for handling and processing agricultural and horticultural commodities, dairy products, poultry and eggs, and livestock provided for in section 7 (c) of the original act.

(3) Employers engaged in commerce or in the production of goods for commerce would be subject to a direct prohibition against the employment of oppressive child labor.

(4) The exemption for employees of motor carriers would be limited to those who during the greater part of any workweek are engaged in work with respect to which the Interstate Commerce Commission has regulated hours pursuant to section 204 of the Motor Carrier Act, 1935, prior to the date of enactment of the bill.

(5) The cost of board, lodging, or other facilities furnished by employers could not be included in the wages of members of the crew of a vessel.

(6) A 5-year period of limitations on employee suits under section 16 (b) of the act would be established.

Although the Fair Labor Standards Act of 1938 had been enacted early in the Roosevelt administration, no attempt had ever been made to increase the wage-rate standards until the problem of reconversion arose at the end of the war. On September 6, 1945, President Truman recommended that Congress amend the Fair Labor Standards Act

[27] 92 Congressional Record 6801.
[28] 91 Congressional Record 8351.

to increase substantially the present statutory minimum wage rate of 40 cents per hour and to extend the coverage of the act. In his State of the Union message of January 21, 1946, the President endorsed a 65-cent minimum wage rate, with further increases to 70 cents after 1 year, and to 75 cents after 2 years, stating the present minimum wage represents "clearly a wholly inadequate budget for an American family."[29]

S. 1349 was referred to a subcommittee of this committee composed of Messrs. Pepper, Tunnell (who acted as chairman in the absence of Mr. Pepper), Thomas of Utah, Ellender, La Follette, Aiken, and Smith. Extensive hearings were held.[30] The full committee met in executive sessions to hear the testimony of the Price Administrator, the Secretary of Labor, the Administrator of the Wage and Hour Division, the Director of War Mobilization and Reconversion, and Director of Economic Stabilization.[31]

Administration witnesses stated "that the immediate effects of the bill in raising prices would be few in number and small in magnitude, and that because of the improvement in productivity resulting from higher wages, the long-run effect would be to reduce prices rather than to raise them." They presented a minimum standard of living budget for a family of four, indicating that even the 75-cent rate, which would come into effect in 2 years, would fall considerably short of assuring such a minimum standard. They further argued that a substantial increase in the wage rate was needed to reestablish the original objective of the Fair Labor Standards Act since the increased cost of living had wiped out a considerable part of the real wage established in 1938. Spokesmen for the A. F. of L. and the CIO strongly supported the proposed increase but suggested the minimums were not high enough.

The National Association of Manufacturers, Association of American Railroads, American Trucking Associations, International Apple Association, National Cotton Congress, Southern States Industrial Council, Warehouse Association, Cotton Textile Institute, National Coal Association, National Association of Ice Industries, Grain and Feed Dealers National Association, Western Union, and others appeared in opposition to the bill.

The subcommittee on December 6, 1945, decided to submit the bill to the full committee with two recommendations: to omit the "peg point" provisions to establish minimum wages for occupations paying above the proposed minimum, and to lower the statute of limitations for employee suits from a 5-year to a 2-year period. On February 14, 1946, the committee agreed upon a revised version of the bill, which was reported on March 5.[32] Changes effected in the original bill, in addition to the two recommended by the subcommittee, included raising the minimum wage to 65 cents an hour during the first 2 years of operation, 70 cents, in the third and fourth years, and 75 cents thereafter, with authority to industry committees to raise the minimum wage in any industry above the applicable minimum (not in excess of 75 cents an hour) at any time during the 4-year period

[29] 92 Congressional Record 151.
[30] Hearings before subcommittee of the Committee on Education and Labor on S. 1349, September 25, 26, 27, and 28, October 2, 4, 5, 9, 10, 12, 16, 18, 19, 23, 25, and 26, 1945.
[31] Hearings before the Committee on Education and Labor, U. S. Senate, 79th Cong., on S. 1349, January 18, 19, and 21, 1946.
[32] S. Rept. 1012, 79th Cong.

(minimum wage rates in Puerto Rico and the Virgin Islands would continue to be fixed on the basis of recommendations of industry committees and wage orders issued by the Administrator as provided in the act of June 26, 1940); extending coverage under the Fair Labor Standards Act by making it applicable to employers engaged in "activities affecting commerce," which term was defined in terms substantially similar to those contained in the National Labor Relations Act; widening the ban on the use of oppressive child labor by the addition of the phrase "activities affecting commerce"; eliminating the exemption for employees in a retailing capacity and providing specific exemptions for retail and service establishments not part of a chain of more than four outlets and having a total annual volume of sales of not more than $500,000; making the overtime exemption of section 7 (b) (3) of the act available to fish and agricultural processing industries formerly having other complete or partial overtime exemptions, if found to be characterized by a marked annually recurring peak season; exempting employees of daily, weekly, or semiweekly newspapers with a circulation of less than 3,000 from the minimum-wage and overtime provisions, regardless of whether or not the major part of such circulation was local in character; making the exemption for switchboard operators in public telephone exchanges applicable to employees in exchanges having less than 1,000 instead of 500 stations; and authorizing the court, in any employee suit to recover unpaid minimum wages and overtime under section 16 (b), to reduce the amount of liquidated damages in whole or in part where the employer showed affirmatively that his violation was not willful and that he acted in good faith.

A minority report on behalf of Messrs. Ellender, Ball, Taft, Donnell, Smith, and Fulbright was also filed in which it was proposed that sections 2 to 9, inclusive, of the committee bill be stricken and a substitute bill inserted, which would increase the minimum wage to 55 cents 120 days after enactment, and to 60 cents 18 months thereafter, and which would strengthen the restriction on child labor by amending section 12 of the act to directly prohibit the employment of oppressive child labor in commerce or in the production of goods for commerce. Such an amendment would leave the exemptions of the act unaffected. In addition, the minority endorsed the two committee amendments of section 16 (b) providing a 2-year statute of limitation and reduction of liquidated damages.

On March 14 a supplemental report, containing a brief legislative history of the bill and considerable statistical information relating to the act and proposed amendments, was submitted by Messrs. Tunnell and Pepper.[33] Debate on the bill commenced the same day and continued through the rest of March, up to April 5, when the amended bill was passed.[34]

Opponents of the bill argued that the measure was inflationary,[35] that it would decrease employment opportunities for less efficient workers,[36] that many low-wage industries could not afford to increase wages to

[33] Pt. 2, S. Rept. 1012.
[34] 92 Congressional Record 2280–2292, 2294–2298, 2345–2361, 2439, 2442–2444, 2511–2513, 2535–2551, 2592–2604, 2615–2623, 2649–2670, 2694–2705, 2706–2722, 2775–2794, 2843–2850, 2872–2880, 2923, 3095, 3096–3097, 3152, 3152–3179, 3223–3228, 3230–3240, 3244–3267.
[35] 92 Congressional Record 2286, 2291, 2348, 2351–2353, 2537–2538, 2595, 2657, 2658, 2695, 2716–2718, 3171–3173, 3244, 5262–5264, 9289.
[36] 92 Congressional Record 2603–2604, 2620.

the extent provided by the amendments,[37] that no allowance for regional differences in the cost of living was made,[38] that the low-paid workers of the Nation are primarily single workers for whom a minimum wage should be fixed rather than for the family of four considered by the committee majority,[39] and that any increase in the minimum wage rate should be more gradual than that proposed in the bill.[40] They also opposed extension of coverage by reducing exemptions provided in the original act.[41]

In reply the supporters of the committee bill stated 80 percent of the factory workers in the United States were being paid 65 cents or more an hour in the summer of 1945[42] and quoted Mr. Bowles' statement that the proposed 65-cent minimum would be an increase of only 2 percent in the total wage bill and hence not inflationary.[43] They further declared that the bill was needed to give unorganized workers wage increases comparable to those obtained by organized workers since the end of the war in Europe,[44] that the proposed minimum would increase the wages of some 4,200,000 workers,[45] and that an industry unable to pay such a minimum was submarginal and bad for the economy as a whole.[46] They said the Fair Labor Standards Act provided exemptions for less efficient workers,[47] that single individuals constitute much less than one-third of the underpaid workers and that a sound national policy must be concerned with family living standards.[48]

Immediately after the reading of the committee bill on March 14, Messrs. Ellender and Ball offered an amendment incorporating the minority views, expressed in the minority report.[49] On March 27, Mr. Pepper, on behalf of the majority of the Committee, offered a revised version of the committee wage scale as a perfecting amendment to section 5 (a) of the committee bill and announced that this amendment would permit Senators to vote on the issue of a higher minimum wage, apart from the considerations of extended coverage and reduced exemptions.[50] This amendment took precedence over the Ellender-Ball amendment but before it could be voted upon Mr. Russell offered his farm parity amendment, which provided for the inclusion of farm labor costs in arriving at parity prices for farm products, as an amendment to the Pepper amendment.[51] After 2 days of debate the Russell amendment was adopted by a vote of 43 to 31, in face of a veto threat from President Truman.[52]

In an effort to save the bill a bipartisan group of Senators worked out a compromise,[53] providing for the elimination of the extended coverage features of the Pepper amendment, a flat 60-cent minimum, effective 9 months after enactment of the measure, elimination of the

[37] 92 Congressional Record 2286–2287, 2288–2289, 2699, 2700–2701.
[38] 92 Congressional Record 2286, 2287, 2623, 2651, 2662.
[39] 92 Congressional Record 2284–2285, 2541, 2620–2621, 2644, 2657–2658, 2664.
[40] 92 Congressional Record 2351, 2536–2538, 2598–2602, 2656, 2696.
[41] 92 Congressional Record 2537, 2600, 2601, 2656, 2658–2659, 2697–2699, 2704–2705.
[42] 92 Congressional Record 2283, 2287.
[43] 92 Congressional Record 2290, 2295, 2352.
[44] 92 Congressional Record 2283, 2285, 2541, 2545, 2593, 2620, 2656.
[45] 92 Congressional Record 2348, 2351, 2781.
[46] 92 Congressional Record 2290.
[47] 92 Congressional Record 2620.
[48] 92 Congressional Record 2284, 2285, 2295, 2444, 2538, 2620–2621, 2654, 2657–2658, 2664, 2699.
[49] 92 Congressional Record 2282.
[50] 92 Congressional Record 2706–2707.
[51] 92 Congressional Record 2708–2726, 2775–2794, 2843–2850, 2855–2879.
[52] 92 Congressional Record 2879.
[53] 92 Congressional Record 3154–3155.

Russell farm parity amendment, and support of the Ellender-Ball substitute amendment.

Underlying this compromise agreement was the belief that many Senators had voted for the Russell amendment not on its merits but in an effort to defeat the committee bill. It was hoped that a more acceptable bill would win sufficient support to kill the Russell amendment if it were again offered. In accordance with the agreement, Mr. Ellender, on behalf of himself and Messrs. Fulbright, Ball, and Taft, offered an amendment to the Pepper amendment which incorporated the first two points of the compromise.[54] This amendment was agreed to on April 4 by a roll-call vote of 76 to 6.[55] By unanimous consent the Ellender-Ball substitute amendment was conformed to the 60-cent minimum wage scale.[56] The Pepper amendment as amended was then agreed to on a voice vote,[57] after which the question on the modified Ellender-Ball substitute amendment recurred. At this point Mr. Russell offered his farm parity amendment as an amendment to the Ellender-Ball substitute and it was passed a second time on a roll-call vote of 46 to 38.[58] The compromise agreement broke down upon this display of strength and the way was opened for a series of amendments, resulting in a bill which Mr. La Follette declared should be sent "as decently as possible and as quickly as possible to a legislative mortuary." [59]

During the debate much interest centered on the committee amendment extending coverage to the employees of chain stores (extended by the "activity affecting commerce" amendment, by elimination of section 13 (a) (1) exemption for employees employed in a local retailing capacity, and by limiting the retail-store exemption of section 13 (a) (2) of the act to employees of retail and service establishments not part of a chain of more than four outlets and having a total annual volume of sales of not more than $500,000).[60] Mr. Hatch offered an amendment to strike out the "activity affecting commerce" phrase in the Pepper amendment,[61] which he later withdrew in view of the compromise agreement.[62] When this agreement broke down he offered an amendment to the committee bill which, in effect, reversed his previous motion. It provided that "no employer shall be deemed to be engaged in any activity affecting commerce unless such employer has four or more establishments where he is engaged in such activity or has a total annual volume of business in such activity of $500,000 or more." [63] When Mr. Taft suggested that the Ellender-Ball substitute amendment, if adopted, would replace the committee bill, Mr. Hatch offered his amendment to the substitute.[64] Upon a roll-call vote the amendment was rejected 35 to 36. Observing that "the closeness of that vote clearly indicates to my mind that the subject of the amendment should be further considered," either

[54] 92 Congressional Record 3096–3097, 3154.
[55] 92 Congressional Record 3155–3156.
[56] 92 Congressional Record 3156.
[57] 92 Congressional Record 3156.
[58] 92 Congressional Record 3176.
[59] 92 Congressional Record 3245.
[60] 92 Congressional Record 2600, 2659, 2669, 2704–2705, 2706–2709, 2714, 3153–3154, 3155, 3156.
[61] 92 Congressional Record 2879–2880.
[62] 92 Congressional Record 3096.
[63] 92 Congressional Record 3178–3179.
[64] 92 Congressional Record 3223–3228.

by separate legislation or in the House, Mr. Hatch withdrew his amendment to the committee bill.[65]

The Fulbright amendment, exempting messengers under 18 from the minimum-wage requirements of the Fair Labor Standards Act if paid wages at the rate of 55 cents an hour, was rejected when it was pointed out that it would remove Western Union messengers from the protection of the child-labor provisions of the act.[66]

An amendment to fix a 2-year statute of limitations for employee suits under section 16 (b) of the act, to require that causes of action accrued prior to the enactment of the amendment be commenced within 1 year after its adoption, to provide that liquidated damages shall not be allowed when the employer shows by a preponderance of the evidence that he acted in good faith, and to exempt cartage companies from liability for unpaid overtime, offered by Messrs. Johnson of Colorado, Cordon, and Ferguson, was about to be voted upon when Mr. Magnuson took the floor to explain the implications of the amended section and its inappropriateness. He offered an amendment to strike out the section to which the Johnson amendment was offered and it was agreed to on a division vote.[67]

The bill enacted by the Senate after the motion of Mr. Ball to recommit the bill was defeated by a voice vote provided—

1. The minimum wage would after 10 months be raised to 65 cents an hour.[68]
2. The special provisions of the act applicable to the fixing of minimum wages in Puerto Rico and the Virgin Islands would be retained.
3. Employment of oppressive child labor in commerce or in the production of goods for commerce would be prohibited.
4. Section 13 (a) (2) of the act would be amended—
   - (*a*) by making a 25-percent tolerance for wholesaling in the exemption applicable to employees in retail and service establishments a statutory requirement.[69]
   - (*b*) by making the exemption applicable to employees in any retail *establishment* or service establishment the greater part of whose selling or servicing is in intrastate commerce,[70] and
   - (*c*) by providing that learners and apprentices in the newspaper industry shall be exempt from the minimum wage and overtime provisions of the act for up to 4,000 hours.[71]
5. Seamen would be covered by the minimum wage of 65 cents an hour, exclusive of board, lodging, and other facilities, but would be exempt from the overtime provisions.[72]
6. The function of defining the term "area of production" for purposes of sections 7 (c) and 13 (a) (10) would be transferred

[65] 92 Congressional Record 3230.
[66] 92 Congressional Record 2512, 3156–3167.
[67] 92 Congressional Record 3248–3256.
[68] Capehart amendment, 92 Congressional Record 3244–3247.
[69] Murray amendment, 92 Congressional Record 3176.
[70] Radcliffe amendment, 92 Congressional Record 3176.
[71] Hoey amendment, 92 Congressional Record 3176–3177.
[72] Mitchell amendment, 92 Congressional Record 3178.

from the Administrator of the Wage and Hour Division to the Secretary of Agriculture.[73]

7. A saving clause providing that employee actions under section 16 (b) to recover claims for unpaid minimum wages or overtime compensation and damages accruing under the act before it was amended must be brought within 2 years of that date.

S. 1349, on April 8, was referred to the House Labor Committee [74] which on June 19 reported without amendment the Norton bill, H. R. 4130.[75] This bill provided that after December 31, 1946, a minimum wage of 65 cents an hour should be paid by every employer to each of his employees engaged in commerce or in the production of goods for commerce. The report stated that a committee amendment, making the proposed minimum wage effective on the date of the bill's enactment, would be offered. Eight members of the committee filed a minority report, proposing as a substitute for H. R. 4130 the provisions of S. 1349 as reported by this committee. The request of Acting Chairman Randolph of the Labor Committee for a rule on H. R. 4130 was refused by the Rules Committee.

On June 27 Mr. Outland introduced House Resolution 684, making the original Hook bill, H. R. 3914, a special order of business before the House. This resolution was referred to the Committee on Rules. On July 9 Mr. Biemiller, as secretary of the 92 cosponsors of the minimum-wage bill in the House, filed discharge petition No. 34, providing for the discharge of the Rules Committee from further consideration of House Resolution 684. At the time Congress adjourned there were some 145 signatures on this petition.

United States Employment Service

On September 16, 1945, President Truman in his message to the House requested legislation to keep the USES under Federal jurisdiction until June 30, 1947, and then to transfer it to the States with provisions for the continuing employment of the same personnel to assure a smooth and uninterrupted transition.

On October 16, 1945, the Dirksen amendment was introduced in the House for purposes of amending the first supplemental surplus appropriations rescission bill of 1946, H. R. 4407. This amendment provided for the transfer of the USES to the States within 30 days after enactment. After 2 days of debate in the House, the bill was passed as amended on October 19, 1945.[76]

On November 14, 1945, the Senate Appropriations Committee [77] reported the bill with amendments which provided for return of the USES to the States 120 days after enactment of the bill; certification to the Social Security Board of the amounts of grants to the States by the Secretary of Labor; transfer of Federal employees to the State unemployment offices in States failing to comply with Federal standards. The Senate began debate on November 19, 1945,[78] passed the bill, and sent it back to the House for a conference on November 20,

[73] Wiley amendment, 92 Congressional Record 3231–3240.
[74] 92 Congressional Record 3384.
[75] H. Rept. 2300.
[76] 91 Congressional Record 9974, 9981–9988, 9991–9993, 9995, 10002–10010, 10005–10016.
[77] S. Rept. 719, 79th Cong.
[78] 91 Congressional Record 11003–11022, A5361–5362.

1945.[79] The conference report [80] was filed on November 30, 1945, and provided for Federal financing of State employment services under plans certified by the Secretary of Labor, the funds being administered by the Social Security Board. The amendment providing for operation, by the Secretary of Labor, of State offices failing to comply with Federal standards was omitted and provision was made for returning the USES to the States within 100 days of enactment. On December 22, the President vetoed this bill for the reason, among others, that the transfer to the States within the 100-day period provided therein would "result in a disrupted and inefficient employment service at the very time when efficient operation is most vitally needed by veterans, workers, and employers." [81]

Meanwhile, hearings were held by this committee on S. 1456, S. 1848, and S. 1510.[81a]

S. 1510 provided that—

1. The public employment offices be returned to the States by June 30, 1947.
2. The functions of the USES be transferred to the Department of Labor.
3. The Wagner-Peyser Act be amended by transferring the authority vested in the Director to the Secretary of Labor and providing for full Federal financing of the State employment services.
4. The transition period from Federal to State operation should be governed by title III of the Wagner-Peyser Act which provided for Federal-State cooperation in the administration of State unemployment insurance programs and required State unemployment insurance payments to be made through public employment offices.

S. 1456 would federalize the USES, authorize the Department of Labor to establish and maintain a national system of public employment offices, authorize the Secretary of Labor to enter into agreements with States whereby the State agency would act as agent of the Secretary in operating employment offices under approved plans, would establish a National Advisory Employment Service Policy Council, composed of representatives of employers, employees, agriculture, veterans, and the public to formulate policies and review administrative operations. The USES Act would be repealed. Under S. 1456 no person would be referred to a position (*a*) if the position offered is vacant because of a strike, lock-out, or other labor dispute; (*b*) if the wages, hours, or other similar conditions of work offered are less than those prevailing for similar work in the locality; (c) if employment is conditioned upon joining a company union, resigning from or refraining from joining any bona fide labor organization; (*d*) if discrimination is shown because of race, creed, color, or national origin; (*e*) if the position does not utilize the person's highest skill.

S. 1848 would federalize the USES and would place it in the Department of Labor. It would also provide for assistance to veterans in securing jobs and apprenticeship training, provide for a clearing system to enable workers in labor surplus areas to obtain employment

[79] 92 Congressional Record 11022.
[80] H. Rept. 1327, 79th Cong.
[81] Veto message, 92 Congressional Record 18.
[81a] H. R. 4437, a companion bill to S. 1510 when introduced, was broadly amended as it passed the House on January 29, 1946, and was referred to this committee on January 30 where the hearings were broadened to include the House-approved measure.

in labor shortage areas, for the placement of youths and agricultural workers, and for repeal of the Wagner-Peyser Act.

The hearings were held for 10 days covering the period from November 13, 1945, to March 25, 1946, and approximately 32 witnesses were heard. Many written statements, letters, and telegrams were studied by the committee and incorporated in the hearings.[82]

At the hearings the American Association of University Women, the American Federation of Labor, the Congress of Industrial Organizations and many local unions favored a permanent federalized USES on the ground that 48 States with different theories on labor and politics could not effectively work for the benefit of the employees, particularly in the States where it was alleged that a labor surplus was purposely maintained in order to keep wages low. It was also stated by these witnesses that the mobile labor market which was created by the war would continue to be mobile in peacetime due to the advancement made in industrial processes and transportation. Only through a centralized system, they maintained, could the workers be kept informed about the labor shortage and surplus areas. They stated further that under State administration the job placement would be integrated with the employment insurance benefits in such a way as to force workers into low-paying jobs.[83]

Those favoring the immediate return of the USES to the States included the United States Chamber of Commerce, the Governors Conference, and Texas Trade Association Executives. It was their feeling that an early return to the States was absolutely essential for effective operation of the employment security program during the reconversion period and afterward. They contended that employment placement is so closely related to unemployment insurance that both must be operated under one agency; that the Employment Service, being a clearinghouse for employers and employees, will operate effectively only when on a local basis by local people known to local employers and in whom the employers have confidence.[84]

The Veterans' Administration, the Department of Labor, National Consumers' League, National League of Women Voters, and the National Women's Trade Union League of America were among the organizations favoring the President's position that although the USES should eventually be returned to the States, it should remain under Federal control to aid reconversion. Emphasizing the problem arising from the return of veterans to jobs and the shut-down of war plants displacing workers all over the country, the Secretary of Labor pointed out that the USES, carrying its greatest case load in its entire history, should not be hampered by State boundaries at a time when the labor markets each encompassed several States and great portions of the labor force were exceedingly fluid, particularly in the construction and food-processing industries. He added that the Servicemen's Readjustment Act provided that veterans be assisted by the public employment offices through job counseling and placement services.[85]

[82] Hearings before the Labor Subcommittee of the Committee on Education and Labor, U. S. Senate, on the U. S. Employment Service, S. 1456, S. 1510, S. 1848, and H. R. 4437, Nov. 13, 15 and 16, 1946, Feb. 18, 20, 21, March 6, 8, 19, and 25, 1946.
[83] Ibid., testimony of Nelson H. Cruikshank, A. F. of L., p. 97. See also testimony of James B. Carey, CIO, p. 133.
[84] Ibid., testimony of Dr. E. P. Schmidt, United States Chamber of Commerce, p. 246.
[85] Ibid., p. 17, testimony of Secretary of Labor.

On April 30, 1946, this committee reported favorably on H. R. 4437 as amended by the House and proposed certain amendments which included the return of the public employment services to the States by December 31, 1946; retention of the USES in the Department of Labor; the transfer of personnel, records, and property to the State agencies; and amendment of the Wagner-Peyser Act to provide for Federal-State cooperation and eliminate State matching of funds. The submission of State plans would be optional rather than mandatory, and the Secretary of Labor would be required to promote special service programs with an emphasis on employment of handicapped civilians and veterans; the States would set up minimum referral standards basic to the effective operation of the Employment Service and establish personnel standards on a merit basis.[86]

The Senate began degate on the bill on June 24, 1946. On June 25, the committee amendments were adopted and certain other amendments were added which struck out the provision for a Federal Advisory Committee, and vested power in the State agency, in referrals, to determine whether a reasonable effort had been made to place an individual in a position utilizing his highest skill.[87] The House refused to appoint conferees to consider this bill as passed by the Senate.

In the meantime, the House Appropriations Committee reported H. R. 6739, the Labor-Federal Security Appropriation Act, 1947, in which it divided the funds for employment office facilities and services into two parts, one of which provided $17,129,250 for the operation of the Service as a Federal agency through September 30, 1946, and the second of which provided $51,387,750 for payments to the States beginning October 1, 1946, in accordance with the Wagner-Peyser Act, as amended to January 1, 1942—the date when it was taken over under Federal operation—and for carrying into effect section 602 of the Servicemen's Readjustment Act of 1944.[88] The House passed this section of the bill without amendment on June 11.[89] The bill was reported by the Senate Committee on Appropriations on June 28 with an amendment returning the employment offices to State operation on December 31, 1946, transferring records and property, and providing for the transfer of personnel and for the operation of the employment offices after their return to the States.[90] On June 29 the Senate adopted two modifying amendments (one striking out the language permitting the Secretary of Labor to prescribe standards and regulations for administration of State systems of public employment offices, and the other relating to eligibility of veterans for appointment in the States) to the committee amendment and passed the bill.[91]

The conference report on H. R. 6739, filed in the House on July 9,[92] provided for transfer of the public employment offices to the States on November 15, 1946, to be operated under the Wagner-Peyser Act on the following basis: States would be required to operate under a merit system consistent with the methods required by the Federal Security Administrator for administration of the unemployment-compensation

[86] S. Rept. 1266, 79th Cong.
[87] 92 Congressional Record, 7495–7603.
[88] H. Rept. 2242, 79th Cong.
[89] 92 Congressional Record 6815–6816.
[90] S. Rept. 1619, 79th Cong.
[91] 92 Congressional Record 8060–8065.
[92] H. Rept. 2471, 79th Cong.

provisions of the Social Security Act (sec. 303 (a) (1)); Federal employees transferring to a State service would be permitted to withdraw at once their payments into the Federal retirement system; all persons employed in the Service on the date of passage of the bill would be transferred pending their permanent employment or release under the State merit system, with preference rights accorded returning veterans; property and records would be transferred. The Secretary of Labor was authorized to withhold funds or deny certification of funds if he found that no provision had been made for the transfer to and retention in the State system of public employment offices of employees employed in the State or local employment service functions on the effective date of the act. Such transfer was to be the equivalent of the position occupied by such employee under the Federal Service or in a reasonably comparable position. The systems were to be transferred as "going concerns." The report also provided that (*a*) no State should be required to match funds under section 5 (a) of the Wagner-Peyser Act prior to July 1, 1948, (*b*) the Secretary of Labor could allocate funds on the basis of the amount needed in a given State for the efficient administration of its public employment offices rather than on the basis of population as required under the Wagner-Peyser Act, and (*c*) States could submit to the Social Security Board and the Secretary of Labor a joint budget for unemployment compensation and the employment service, could commingle the funds and account for the same as one fund. The House on July 11,[93] and the Senate on July 12,[94] agreed to all the provisions of the conference bill with the exception of a rider on National Labor Relations Board cases. The House on July 19 [95] and the Senate on July 20 [96] agreed to a compromise on this rider and sent the bill to the President, who approved it on July 26. It is Public Law 549.

Women's Equal Pay Bill

S. 1178, the women's equal pay bill, was introduced in the Senate on June 21, 1945, by Mr. Pepper for himself and Mr. Morse and referred to this committee. As originally drafted, the bill would have prohibited (1) paying women less than is paid to men for comparable work, (2) discriminatory replacement of female with male employees, and (3) discrimination against any employee for participating in proceedings under the act. It would have been enforced by the Director of the Women's Bureau in the Department of Labor, through an Equal Pay Division under an Administrator appointed by the Director. The Director would have had rule-making power, investigatory authority, subpena power and the power to require the keeping of appropriate records, as well as the power to enforce the act by administrative proceedings based on complaint of violation and leading to judicially enforceable and reviewable cease-and-desist orders containing necessary provisions for affirmative action. In addition, the bill provided for the appointment of industry committees comparable to those appointed under the Fair Labor Standards Act of 1938, to investigate and make reports and recommendations with respect to practices likely

[93] 92 Congressional Record 8791.
[94] 92 Congressional Record 8938.
[95] 92 Congressional Record 9621.
[96] 92 Congressional Record 9641, 9642.

to result in the commission of unfair wage practices. The Director would have been empowered, after notice and opportunity for hearing to interested parties, to issue orders on the basis of committee recommendations. Criminal penalties were provided for willful interference with the enforcement of the act and willful violation of the record-keeping provisions of the act. In addition, persons found to have violated the act would have been ineligible for the award of Government contracts for 3 years, unless the Director otherwise recommended.

The Subcommittee on Labor held hearings on the bill on October 29, 30, and 31, 1945.[97] All of the testimony and statements presented at the hearing showed agreement that wage-discrimination against women has a depressing effect upon the economy by lowering wage levels generally and by reducing the total amount of available purchasing power; that it is unfair to women employees; and that it still prevails to a considerable degree despite the progress recently made in the direction of its elimination. Particular instances were cited of labor disputes in which wage-discrimination against women played an important part.[98] It was also pointed out that these discriminatory practices in effect force women employees to subsidize the industries in which they are employed.

Mr. Tunnell (chairman of subcommittee) asked several witnesses whether there was any problem of sex discrimination in the payment of wages to men. Their testimony was that this did not seem to be a serious issue, but that women employees seemed to be preferred in certain industries and occupations.[99] He also inquired whether an equal-pay law might not result in a reduction in job opportunities open to women. The response to this question was that after the first adjustment to the law had been accomplished, it would probably be found to have a beneficial effect upon employment.[1] In this connection, Mr. Morse commented upon the relation between this bill and the full-employment measure.[2] A third principal point discussed in the hearings was the fairness of the procedures provided in the bill. Mr. Morse pointed out that mere violation of the act would not be a criminal offense, but that the criminal penalties would apply only in case of willful violation of a valid order to cease and desist, or willful interference with enforcement.[3]

In its consideration of the bill after the close of the hearings, the subcommittee adopted the suggestion of the Secretary of Labor that he be given responsibility for administration and enforcement of the bill, with authority to delegate necessary powers to an appropriate agency in the Department of Labor. The principal additional amendments made in the bill were: (1) Elimination of the prohibition against discriminatory discharge of female employees and substitution of a general prohibition against wage discrimination based on sex; (2) adoption of the "weight of the evidence" criterion in place of the "substantial evidence" criterion for the validity of cease-and-desist orders on judicial review; (3) inclusion of authority for the

[97] Hearings before a subcommittee of the Committee on Education and Labor. U. S. Senate, 79th Cong., on S. 1178 October 29, 30, and 31, 1945.
[98] Ibid., pp. 108, 174, 175; S. Rept. 1576, 79th Cong., p. 4.
[99] Hearings, pp. 23, 29, 127, 155, 156.
[1] Hearings, pp. 16, 147, 155.
[2] Hearings, p. 147.
[3] Hearings, pp. 143, 144. See also pp. 179, 180.

Secretary to include in orders based on industry committee recommendations prohibitions against practices which might result in unfair wage practices; and (4) inclusion of express provision for enforcement of such orders in administrative proceedings based on complaint. Other amendments clarified but did not substantially change various procedural provisions of the bill.

The report was adopted with two dissenting votes and was filed on June 21, 1946,[4] and gave special consideration to the likelihood of dislocations in employment if the bill were enacted, to the ability of industry to afford equal pay, and to procedures for determining what constitutes equal work.[5] As to the third of these questions, the committee referred to testimony showing the prevalence of job evaluation and analysis techniques for precisely this purpose.[6] Emphasis was also placed on the intention of the committee that the Secretary of Labor should delegate his powers of administration and enforcement to the Women's Bureau, because of the intimate connection of that Bureau with the problems involved in the bill.

No action was taken by the Senate on S. 1178 before the close of the Seventy-ninth Congress. The bill was passed over on calendar call on July 17 and July 29, 1946. On July 31, Senator Pepper's request for unanimous consent to consider the bill met with objection.[7]

The House companion bill (H. R. 5221) to the Pepper-Morse equal pay bill was introduced by Mrs. Woodhouse on January 23, 1946. A brief hearing was held on the bill approximately 1 week before adjournment of the second session of the Seventy-ninth Congress at which the author of the bill appeared and offered testimony in behalf of the legislation. As a result, on July 27, 1946, the House Labor Committee decided to report out the legislation[8] in a form identical with the Senate bill (S. 1178) as reported in the Senate. No attempt was made to obtain action on the legislation during the closing days of the session and the bill died on the House Union Calendar.

Fair Employment Practice Act

On January 6, 1945, a bill to prohibit discrimination in employment because of race, creed, color, national origin, or ancestry was introduced by Mr. Chavez, for himself and six other Senators.[9] The bill, subsequently known as the bill for a Fair Employment Practice Commission, S. 101, was referred to this committee. The measure, with minor changes, was the successor to S. 2048, first introduced in the Seventy-eighth Congress, with bipartisan sponsorship and which, after hearings, was favorably reported by this committee on September 20, 1944.[10]

The bill was designed to eliminate discrimination in all employment relations which fall under the jurisdiction or control of the Federal Government. It forbade discrimination in (*a*) Federal employment, (*b*) employment under Government contracts, and (*c*) employment and activities affecting interstate or foreign commerce which are subject to Federal control in respect to labor relations. It applied

[4] S. Rept. 1576, 79th Cong.
[5] S. Rept. 1576, 79th Cong., pp. 6–9.
[6] S. Rept. 1576, 79th Cong., pp. 8, 9.
[7] 92 Congressional Record 10691–10692.
[8] H. Rept. 2687, 79th Cong.
[9] Messrs. Downey, Wagner, Murray, Capper, Langer, and Aiken.
[10] S. Rept. 1109, 78th Cong., 2d sess.

equally to employers and to unions, forbidding discrimination by unions against members, employees, or employers.

A board of five members, to be appointed by the President, with Senate ratification, and to be known as the Fair Employment Practice Commission, would be created to administer the act. The Federal courts would be empowered, after appropriate judicial hearings, to enforce cease-and-desist orders found to have been properly issued by the Commission.

Mr. Taft introduced S. 459, a bill similarly designed to eliminate discrimination in employment because fo race, creed, color, national origin, or ancestry. It differed from S. 101 chiefly in that it did not provide for any judicial enforcement or judicial review.

A subcommittee of this committee was appointed[11] by the chairman, Mr. Murray, to consider the bill, and hearings were set for 3 days beginning March 12, 1945.

In the House of Representatives, within a month after the beginning of the Seventy-ninth Congress, 13 separate bills were introduced proposing the creation of a permanent FEPC. Because hearings had been held on almost the identical bill the previous session,[12] the House Labor Committee, to which committee these bills had been referred, reported H. R. 2232 introduced by Mrs. Norton, of New Jersey, without any further public hearings. The bill was reported on February 20, 1945.[13] The Rules Committee held a series of meetings on House Resolution 146, Mrs. Norton's request for a rule on the bill. The Committee failed to give the bill a rule by a tie vote, 6 to 6. Thereupon, on April 27, 1945, Mrs. Norton filed a discharge petition[14] (218 signatures required to discharge the Rules Committee from consideration). On December 10, 1945, Mr. Gore, of Tennessee, informed the House that only 157 Members had signed the petition.[15]

Mrs. Norton then resorted to the parliamentary device, the rule of Calendar Wednesday. On Tuesday, September 25, when the customary request to suspend the next day's Calendar Wednesday was made, she objected.[16] On Wednesday, September 26, however, within 15 minutes after the session began, Mr. Whittington, of Mississippi, moved the adjournment of the House, and it carried by a vote of 74 to 31,[17] thus ending the calendar and legislative day. Later efforts by Mr. Marcantonio, of New York, were similarly unsuccessful.

In the hearings held by the subcommittee of this committee approximately 50 witnesses, representing over 100 national organizations, including major church, labor, educational, welfare, business, and race-relations groups appeared in support of S. 101.[18] Although the chairman, Mr. Chavez, frequently sought testimony in opposition to the bill, no one opposing it requested a hearing. S. 459 was opposed on the grounds that the bill would fail in its purpose because of its lack of enforcement powers.

The bill was reported by the subcommittee to the full committee on May 17, 1945, with a unanimous recommendation for favorable action

[11] Mr. Chavez, chairman, and Mr. Guffey, Mr. Tunnell, Mr. La Follette, and Mr. Aiken.
[12] Hearings before the Labor Committee, House of Representatives, 78th Cong., on H. R. 3986, H. R. 4004, and H. R. 4005, June 1, 2, 6, 7, 8, 9, 14, 15, and 16; Nov. 16, 1944.
[13] H. Rept. 187, 79th Cong.
[14] Discharge petition No. 4, 91 Congressional Record A1966.
[15] 91 Congressional Record 11,779.
[16] 91 Congressional Record 8910.
[17] 91 Congressional Record 9041.
[18] Hearings before the subcommittee of the Committee on Education and Labor, U. S. Senate, 79th Cong., on S. 101, Mar. 12, 13, 14, 1945.

by the committee. Some members of the committee had requested a week's time in order to see if a compromise bill could be drafted which the whole committee could agree upon. The request was agreed to and on May 24 when no compromise bill appeared possible the committee by a vote of 12 to 6 favorably reported S. 101.[19]

On January 17, 1946, during the Senate morning hour and after the routine morning business had been dispensed with. Mr. Chavez moved that the Senate proceed to the consideration of S. 101. Upon a roll-call vote, his motion was carried 49 to 17. Mr. Chavez then began to discuss his bill. Later on, at approximately 3:45 p. m., Mr. McKellar moved the adjournment of the Senate, which motion was adopted by a voice vote.[20]

The following day, when the Senate convened, following the routine prayer of the Chaplain, Mr. Barkley, the majority leader, moved that the Journal of the prior day's proceeding be approved without reading. Mr. Overton objected and then moved to correct the Journal to include therein the prayer delivered by the Chaplain on the preceding day.[21] The correction of the Journal and the appeal from a ruling of the Chair on a point of order—whether the correction of the Journal or the consideration of S. 101 was the pending business—remained the business before the Senate until February 7, 1946, when Mr. Barkley withdrew his appeal from the Chair, the motion to correct the Journal of January 17 was withdrawn, and Mr. Barkley moved approval of the Journal, which was approved by unanimous consent. S. 101 then became the unfinished business of the Senate.[22]

A cloture petition with 48 signatures was then filed by Mr. Barkley.[23] On Saturday, February 9, the vote on cloture was taken. The vote was 48 to 36, and lacking the necessary two-thirds, the cloture rule was not invoked. Mr. Chavez then moved to displace S. 101 in favor of an appropriation measure. His motion was adopted 72 to 12, and S. 101 was restored to the calendar, where it remained until the Seventy-ninth Congress adjourned.

Bureau of Labor Statistics Cost-of-Living Studies

During the period immediately following the President's veto of the first price-control legislation of 1946 (H. R. 6042), it became very obvious how necessary it was to have more comprehensive and up-to-the-minute price data. Accordingly, Mr. Murray, of Montana, introduced on July 27, 1946, Senate Joint Resolution 182 which provided for an appropriation of $250,000 for the Bureau of Labor Statistics to be used "to collect information and report on the prices of foodstuffs, rents, and other living essentials more frequently and in a larger number of cities than now covered in the Bureau's program to the extent necessary to describe the course of prices of living essentials and rents in principal localities and on a Nation-wide basis."

This committee met in executive session the next day and after discussing the legislation with the Acting Commissioner of Labor Statistics, Mrs. Aryness Joy Wickens, decided that a letter be sent by the chairman to the chairman of the Appropriations Committee urging

[19] S. Rept. 290, 79th Cong.
[20] 92 Congressional Record 85–98.
[21] 92 Congressional Record 119.
[22] 92 Congressional Record 1087–1089.
[23] 92 Congressional Record 1089.

that committee to make the appropriation for this program in connection with the first supplemental appropriation bill (H. J. Res. 390).

Mr. Murray in his letter[24] emphasized the need for current and accurate information on changes in the price of commodities during the period of an inflationary threat. It pointed out that the demands placed on Bureau of Labor Statistics to meet that need could not be met without additional funds. It stressed the particular need for expanding the collection of rent data to include more than the 34 large cities then covered in the semiannual survey, and to make the survey more current.

The Appropriations Committee in reporting House Joint Resolution 390[25] provided $25,000 for the weekly, instead of monthly, collection of price data in 12 cities. The committee failed to provide for the additional funds requested for (1) the inclusion of additional cities, additional items and reporting the information locally; (2) speeding up the tabulation of the regular monthly reports on cost of living items for 34 large cities; and (3) expanding the collection of rent data to include smaller cities.

On August 1, 1946, the Senate passed the first supplemental appropriation bill for 1947 and included the item of $25,000 for the Bureau of Labor Statistics "for the emergency collection of prices of food commodities, 250 weekly collections of from 16 to 25 items," and it was sent to conference.[26] The conference report[27] was approved and it became Public Law 663, Seventy-ninth Congress, on August 8, 1946.

Industrial Health and Safety Bill

S. 1271, a bill to provide for cooperation with State agencies administering labor laws in establishing and maintaining safe and proper working conditions in industry and in the preparation, promulgation, and enforcement of regulations to control industrial health hazards, was introduced in the Senate July 16, 1945, by Mr. Johnston, of South Carolina, for himself and Mr. Ball, of Minnesota,[28] and was referred to this committee.[29]

As introduced, S. 1271 appropriated $5,000,000 to be allotted by the Secretary of Labor for use by cooperating State agencies administering labor laws. Allotment was to be made on the basis of (1) population, (2) the number of wage earners, (3) the special safety and health problems in industry, (4) the number of workers protected by the State law and the costs of administration, and (5) the financial needs of the respective States. Amounts to be paid each State were required to be determined by the Secretary of Labor after conferences with State labor law-enforcing officials. Amounts paid were to be used by the States solely for establishing and maintaining safe and proper working conditions in industry and in the preparation, promulgation, and enforcement of regulations to control industrial health hazards. There would be created in the Department of Labor a three-member Industrial Safety Commission appointed by the Secretary of Labor, com-

[24] Hearings before the subcommittee of the Committee on Appropriations, U. S. Senate, 79th Cong., on H. J. Res. 390.
[25] S. Rept. 1908, 79th Cong.
[26] 92 Congressional Record 10854–10855; 10896–10903.
[27] H. Rept. 2725, 79th Cong.
[28] 91 Congressional Record 7678.
[29] Hearings before the Subcommittee on Labor of the Committee on Education and Labor, U. S. Senate, 79th Cong., November 6, 7, 8, and 9, 1945.

posed of employer, employee, and public representatives, to recommend to the States standards for safe working conditions in industry. The Secretary of Labor would likewise be empowered to appoint advisory committees, as necessary, and all necessary personnel, subject to civil-service laws. For Federal administration $250,000 would be appropriated for the current fiscal year. Annual reports to Congress would be required of the Secretary of Labor. Grants to the District of Columbia and to Territories and possessions of the United States would be permitted.

Hearings were held by the Subcommittee on Labor on November 6, 7, 8, and 9, 1945. At the outset, Senator Johnston made a brief statement in support of the bill. He pointed out that responsibility for safe and healthful working conditions rested with the States, but that, nonetheless, tragic economic and social waste resulted yearly from injury incurred on the job, thereby making appropriate Federal action providing funds to help the States carry out their responsibilities. He stated that funds provided by the bill were too small in relation to present industrial health and safety hazards, but would substantially aid in necessary expansion of State preventive facilities.[30]

The bill as introduced was supported by representatives of the Department of Labor, by more than half of the State departments of labor, major labor organizations, and others.

Criticism of the bill came mainly from the State departments of health. They objected mainly to the bill's use in promoting industrial hygiene programs. They pointed out that Federal funds now available to State health departments had been used in part for industrial-hygiene activities in 30 States, and that additional funds administered by State labor departments would result in wasteful, confusing, and destructive duplication. It was their suggestion that funds be limited to use in securing safe working conditions and in preventing industrial accidents.

During the hearings Mr. Johnston showed that the industrial-disease cases represented only 1 percent of all industrial cases, and took the position that the measure would not result in harmful duplication.[31] Mr. Tunnell thought that duplication would not necessarily result [32] and that labor and State labor departments had a valid interest in industrial hygiene.[33] Messrs. Ball and Tunnell agreed, however, that the bill should not encourage duplication.[34]

Mr. Ball favored the use of a matched-funds provision in the bill.[35] This was opposed by Mr. Gamble and Mr. Roche, both State labor Commissioners.[36]

After considering subcommittee recommendations, this committee favorably reported S. 1271 as a substitute bill on April 18, 1946.[37] The title was changed so as to relate solely to "safe working conditions," and the purpose of the grants-in-aid was limited by section 2 to assistance as to "safe working conditions" and "safety precautions and rules." Mr. Tunnell submitting the report for the committee, stated

[30] Hearings, p. 2.
[31] Hearings, pp. 33, 34, 58.
[32] Hearings, pp. 28, 31.
[33] Hearings, pp. 35, 54, 59.
[34] Hearings, p. 62.
[35] Hearings, p. 17.
[36] Hearings, pp. 56, 72.
[37] S. Rept. 1210, 79th Cong., 92 Congressional Record 4025.

that this language was intended to permit use of funds for industrial-hygiene programs without duplication.

The basis for allotment of funds was changed by section 4 of the substitute bill so as to gauge 95 percent of the allotments by the ratio of the number of nonagricultural employees in the State, multiplied by the per capita national income, to the number of nonagricultural employees in the United States, multiplied by the per capita State income, provided that no State allotment should be less than $15,000 nor more than three times the State appropriations for the statutory purpose. The remaining 5 percent of Federal funds would be allotted by the Secretary of Labor for special needs of the States not met by other allocation.

Section 3 of the substitute bill additionally provided for the payment of funds on certification by the Secretary of Labor after his approval of a State plan showing (1) a single labor law-enforcing agency, (2) a reasonable allocation of funds to be used and a personnel merit rating basis which would insure efficient operation, (3) the State program, (4) the State appropriations for the statutory purpose, and (5) a State plan for reporting to the Secretary of Labor.

Section 5 of the substitute bill added a provision for withholding funds, after hearing, if the Secretary of Labor finds noncompliance with the act or the plan. Appropriations for Federal administration were reduced from $250,000 to $200,000.

Section 6 of the substitute bill eliminated the Industrial Safety Commission and the advisory committees, and provided for an Industrial Safety Advisory Committee, consisting of appropriate numbers of employer, employee, and public representatives, serving without pay, but with expenses paid, for advising the Secretary of Labor and the States on control of hazards and reduction of accident rates.

In all other respects the bill remained substantially the same.

On May 20, 1946, Mr. Johnston spoke in favor of S. 1271.[38] On June 3, 1946, Mr. Johnston asked unanimous consent that the Senate proceed to the consideration of the measure, but, upon objection the bill was passed over.[39] Again on June 14, 1946, the bill was passed over on objection.[40] No further action was taken prior to adjournment.

The House companion to the Johnston-Ball safety bill was introduced in the House by Mrs. Norton on January 3, 1945.[41] Hearings had been held on the legislation during the Seventy-eighth Congress,[42] and additional hearings were not held by the House Labor Committee on this bill during the Seventy-ninth Congress. On May 29, 1945, Mrs. Norton reported an amended bill.[43] The amendments were adopted at the suggestion of the Federal Security Administrator and were designed to overcome some of the objections expressed by State health officials. Unanimous-consent consideration of the bill was objected to on July 3, 1945, and on October 2, 1945, and on the latter date the bill was stricken from the Consent Calendar. The bill remained on the House Union Calendar until final adjournment of the second session.

[38] 92 Congressional Record 5346.
[39] 92 Congressional Record 6258.
[40] 92 Congressional Record 7018.
[41] H. R. 525.
[42] Hearings before the Labor Committee, House of Representatives, 78th Cong., on H. R. 2800, June 21, 23, 24, 25, and 28, 1944. See also H. Rept. 1282, 78th Cong.
[43] H. Rept. 628, 79th Cong.

PART II. HEALTH AND WELFARE

The Hospital Survey and Construction Act

The first official proposal for a hospital survey and construction program was made by the Surgeon General on July 12, 1944, in testimony before the Pepper Subcommittee on Wartime Health and Education, at that subcommittee's request. The Surgeon General outlined a Federal program of grants-in-aid to assist the States in making surveys to determine hospital and health facility needs, in developing State-wide construction programs, and in building the facilities found necessary and in conformity with those State-wide programs. During the hearings that continued before the Pepper subcommittee from July through September 1944, a number of national organizations, including the American Hospital Association, the American Medical Association, as well as farm, labor, and other groups, endorsed the urgent need for hospital and health-center facilities and the need for Federal assistance to supply those facilities.

In the fall of 1944 the house of delegates of the American Hospital Association and the governing counsel of the American Public Health Association officially supported the same sort of program of Federal aid to assist hospital surveys and construction as had been proposed by the Public Health Service.

On January 10, 1945, Mr. Hill, of Alabama, and Mr. Burton, of Ohio, jointly introduced S. 191, embodying the principles developed by the Public Health Service and endorsed by the national hospital organizations. The bill was referred to this committee.

The bill as originally introduced added to the Public Health Service Act provisions authorizing grants to the States for the construction of hospitals as follows: (*a*) $5,000,000 for surveys and planning, allocated on the basis of population, financial needs, and other factors which the Surgeon General would consider relevant; (*b*) for the fiscal year 1946, $100,000,000 for the construction of public and nonprofit hospitals and $5,000,000 for aid to State agencies in meeting their administrative expenses, and for each fiscal year thereafter for such construction work and administrative expenses, payments to be made to the States whose plans for construction work have been approved by the Surgeon General and to the political subdivisions of, and public or other nonprofit agencies in, such States. Allotments to the States were to be based on (*a*) the population, (*b*) financial need, and (*c*) need for construction. The provisions of the act would be administered by the Surgeon General, who would consult with the Federal Advisory Council, consisting of himself as chairman, ex officio, and eight members appointed by the Federal Administrator.

During the next 7 months five bills, identical with S. 191, were introduced in the House.[1] All of these House bills were referred to the House Committee on Interstate and Foreign Commerce.

[1] H. R. 2498, Mr. Neely, of West Virginia, on March 6, 1945; H. R. 2755, Mr. Patrick, of Alabama, on March 23, 1945; H. R. 3561, Mr. Priest, of Tennessee, on June 23, 1945; and H. R. 3845, Mr. Snyder, of Pennsylvania, on July 18, 1945.

Public hearings on S. 191 were held before the full committee in February and March 1945. National hospital, medical, labor, and farm organizations, as well as those of related interests, endorsed the need for the proposed program, although some amendments were suggested.[2]

On May 24, 1945, Messrs. Wagner, of New York, and Murray, of Montana, introduced S. 1050. An identical bill, H. R. 3293, was introduced by Mr. Dingell in the House. This legislation constituted a new version of the Wagner-Murray-Dingell bill, which now for the first time embodied provisions for the construction of needed hospital and health center facilities. The facilities portion of the Wagner-Murray-Dingell bill was a revised version of S. 191.

On September 14, 1945, a subcommittee was appointed to study S. 191. The subcommittee consisted of Mr. Hill as chairman and Messrs. Taft, La Follette, Ellender, and Tunnell. From September 14 until October 30, 1945, the subcommittee studied the bill intensively in the light of suggestions which had been made during the public hearings held the previous spring. Working with technical experts from the United States Public Health Service, the American Hospital Association, the Social Security Board, and the committee staff, this subcommittee did an excellent job in rewriting the bill so as to clarify the division of responsibility between the Surgeon General and the Federal Hospital Council, on the one hand, and, on the other, between the Federal Government and the States, and in clarifying a number of the bill's provisions.

On October 30, 1945, this committee reported S. 191 favorably.[3] The comment was made that seldom had any bill received more careful consideration by any congressional committee.

The principal differences between S. 191 as introduced and as reported by the committee are as follows:

1. The subject and scope of Federal regulations were made more explicit. A clearer break-down of responsibility between the Federal and State Governments was made, with as much discretion left to the States as possible. In accordance with this philosophy, the bill as reported by the committee omitted the provision, contained in the original bill, for Federal grants to the States to assist them in administering approved State plans.

2. While in both bills (as introduced and as reported by the Senate committee) the Federal Hospital Council possessed some administrative powers, these powers were somewhat restricted in the bill as reported by the committee. In the latter version, too, consumer representation was required for the first time.

3. Changes were made in the financial provisions.

The original S. 191 stated only the factors to be used in a formula for allotting survey and planning funds. S. 191 as reported by the committee spelled out a definite formula based on population alone and specified $10,000 as the minimum allotment. It also changed the variable grant for survey and planning, ranging from 25 to 75 percent of survey and planning expenditures (depending upon the State's standing in an average per capita

[2] Hearings before the Committee on Education and Labor, U. S. Senate, 79th Cong., on S. 191, February 26, 27, 28, March 12, 13, and 14, 1945.

[3] S. Rept. 674, 79th Cong.

income ranking by State) to a flat grant of 50 percent of survey and planning expenditures for all States. For the first time, the bill as reported by the committee contained provisions for loans to States for survey and planning to supplement the grants for this purpose.

Federal fund participation in construction costs was also changed. The bill as reported by the committee introduced a 5-year limit on the program. It restricted the construction authorization to $75,000,000 for each of 5 years, instead of the $100,000,000 for the first year and open-end appropriations thereafter. A formula for allotting construction funds to the States, using two factors only—State population and State average per capita income—was spelled out. The original bill had not spelled out a formula but had merely signified that allotments would be based on three factors—population, relative financial need, and relative need for construction. The bill as reported by the committee changed the variable grant for construction to range between 33⅓ and 75 percent of construction costs in lieu of the original range from 25 to 75 percent. It also provided a specific formula for arriving at this "Federal percentage."

4. The bill as reported by the committee inserted a merit-system requirement for administration of the State plan and another new provision requiring the State to establish, within its own discretion, minimum standards for the maintenance and operation of hospitals aided under this legislation.

5. As reported by the committee, S. 191 contained another new provision permitting a construction applicant or a State to appeal from administrative decisions of the Surgeon General to the United States circuit court of appeals.

6. There was also inserted in the bill as reported by the committee a requirement that the construction application include reasonable assurance that pay rates for laborers and mechanics engaged in construction of the project would not be less than prevailing wage rates.

Other minor changes were made.

The committee's report included a minority report by the chairman, who had agreed, with reservations, to reporting the bill favorably. In this statement Mr. Murray objected to three features of the bill as reported:

1. The assignment of certain essential administrative powers to a part-time council (Federal Hospital Council);

2. The failure of the bill to assure Federal aid to neediest communities through the lack of assistance for the maintenance and operation of hospital facilities; and

3. The lack of Federal standards for the operation of those facilities provided with assistance under the act.

Following the favorable report on S. 191 by the committee, a new Wagner-Murray-Dingell bill was introduced (S. 1606 and H. R. 4730) on November 19, 1945, and was strongly supported by the President.[4] It proposed a national health program, including health insurance, and recommended with regard to a hospital construction program

[4] 91 Congressional Record 10989; H. Doc. 380, 79th Congress.

some of the same suggestions made by Mr. Murray in his separate statement of views.

On December 11, 1945, the Senate passed S. 191 unanimously.[5] The bill as passed by the Senate was the same as reported by the Senate committee on October 30, with the exception of one minor amendment permitting a higher ceiling for public-health centers in sparsely settled States.

The bill was referred to the House Committee on Interstate and Foreign Commerce. On January 31, 1946, President Truman addressed a letter concerning S. 191 to Mr. Clarence Lea, chairman of that committee. The President objected to two provisions of the bill, namely, the administrative powers of the Federal Hospital Council and court review.[6]

On February 28, 1946, Mr. Priest introduced H. R. 5628, a revised version of the Hill-Burton bill. Most of the changes made therein over S. 191 as passed by the Senate were those which had appeared in the version of the Wagner-Murray-Dingell bill (S. 1050), which had included a part on hospital facilities. H. R. 5628 also incorporated the changes which had been recommended in both Mr. Murray's separate statement of views and in the President's letter of January 31. The changes which H. R. 5628 made were as follows:

1. The Federal Hospital Council would have no veto powers, and there would be four professional and four consumer representatives thereon, in lieu of the five professional and three consumer representatives provided in S. 191 as it passed the Senate.

2. The court-review provision was omitted.

3. The establishment of Federal standards for maintenance and operation, as well as construction, was required.

4. An anual report to Congress was required of the Surgeon General including, among other things, a record of his consultations with the Federal Hospital Council.

5. Some discretionary power was given to the Surgeon General in approving construction applications.

6. A different ceiling ratio for public health centers was provided.

Public hearings were held on S. 191 before the Public Health Subcommittee of the House Committee on Interstate and Foreign Commerce in early March 1946. While there was discussion of both S. 191 and H. R. 5628, the hearings had been officially called on S. 191. All of the organizations testifying supported the program, although some suggested amendments. The only strong opposition during the hearings came from Mr. Cannon of Missouri, chairman of the House Appropriations Committee, who raised no question regarding the need for the program, but did question the country's ability to finance it. General Fleming, Federal Works Administrator, testified that he was not opposed to the program, but that he would consider it more appropriate if the Federal Works Agency handled the construction activities.

[5] 92 Congressional Record 11983.

[6] Hearings before the Subcommittee on Public Health, Interstate and Foreign Commerce Committee, U. S. House of Representatives, 79th Cong., on S. 191, March 7, 8, 11, 12, and 13, p. 25.

On July 13, 1946, the House Committee on Interstate and Foreign Commerce reported S. 191 favorably.[7] The differences between S. 191 as passed by the Senate and as reported by the House committee were as follows:

1. The House committee substituted for the variable grant for construction a flat grant of 33⅓ percent of construction costs for all projects.

2. Federal financial participation in State survey and planning expenditures was reduced from 50 to 33⅓ percent of such expenditures, within the State's allotment. The provision for Federal loans for survey and planning was deleted. The sums authorized to be appropriated for survey and planning were reduced from $5,000,000 (plus the sums necessary for loans) to $3,000,000.

3. Professional—consumer representation on the Federal Hospital Council was changed from five-three to four-four.

4. The hearing before the Surgeon General required prior to his rejection of any construction application, which was open to both construction applicant and the State agency in the bill as passed by the Senate, was restricted to the State agency in the bill as reported by the House Committee. Likewise, the opportunity of appealing to the United States Circuit Court of Appeals was restricted to the State agency.

5. The deadline for State legislation providing for minimum standards of maintenance and operation of the hospitals aided under this legislation was extended from July 1, 1947, to July 1, 1948.

6. There was a slightly different definition of "construction."

7. S. 191 as reported by the House committee contained a new provision to assist the Surgeon General in recruiting commissioned officers to help administer this law.

On July 26, 1946, S. 191 as reported by the House committee was passed by the House.[8]

On July 27, the Senate requested a conference and the House agreed. The conference report[9] proposed two changes in the bill as passed by the House:

1. Raising the flat grant for construction from 33⅓ to 40 percent of construction costs and

2. Changing professional—consumer representation on the Federal Hospital Council from four-four back to five-three.

Because Congress was preparing to adjourn, a quorum was lacking, and it was impossible to get a unanimous vote in favor of the conference report, the bill was taken back to the Senate, which on July 31[10] agreed to the amendments contained in the bill as passed by the House on July 26.

On August 8, the President signed the First Supplemental Appropriation Act, 1947.[11] This law made an appropriation, for "hospital and construction activities," of $2,350,000, contingent upon the enactment of S. 191.

[7] H. Rept. 2697, 79th Cong.
[8] 92 Congressional Record 10344.
[9] H. Rept. 2697, 79th Cong.
[10] 92 Congressional Record 10666.
[11] Public Law 663, 79th Cong.

On August 13, 1946, President Truman signed S. 191, but objected to the same two provisions cited in his letter of January 31, namely, administrative powers of the Federal Hospital Council, and court review. With the President's signature, S. 191 became Public Law 725, Seventy-ninth Congress.

Immediately following this enactment, a new Division of Hospital Facilities was created within the Bureau of State Services, United States Public Health Service, to administer this program. The Director of this Division is Dr. Vane M. Hoge, who had been in charge of the former Hospital Facilities Section.

In late August and early September the Federal Security Administrator, after consultation with the Surgeon General, appointed the eight members of the Federal Hospital Council.[12]

On August 30, the Surgeon General wrote to all Governors notifying them of the initiation of this new Federal-State program, enclosing copies of the act and the application form to be executed to make the State eligible for Federal funds for survey and planning. As of December 15, 1946, 27 such State applications had been received; 15 of these had been approved; on 8 of the remaining, notifications had been sent to the States regarding deficiencies in the application; and the remaining three were under review.

The Public Health Service, in cooperation with the Council of State Governments and with legal assistance from the Federal Security Administrator's Office, has developed a model State hospital survey and construction act for those States which will need new legislation in order to benefit under Public Law 725. This model bill is being sponsored by the Council of State Governments and was one of the subjects for discussion at the council's regional meetings of State officials held in November and December, 1946.

The program which has been authorized by Public Law 725 has its limitations. For example, the funds authorized for construction, even if fully utilized, would meet only about 20 percent of estimated hospital and health center needs throughout the country at prewar price levels. With greatly increased construction costs, these funds will actually meet even a lower percentage of the needs. Because of the lack of assistance needed by many poorer communities to maintain and operate hospitals, this law will not help the neediest communities. Too, the shift from the variable grant for construction to a flat grant for all States will impede the Federal Government from accomplishing its original purpose of putting the largest measure of assistance in States having the greatest needs. Despite these limitations this program is expected to give great assistance to the country as a whole in securing needed instruments for hospital and public health care. Certainly it is a program of primary importance and will be of even greater significance if the country later decides to enter into a national program of medical care of broad coverage.

[12] Msgr. John J. Bingham, Director, Division of Health, Catholic Charities, 33 East 51st Street, New York, N. Y.; Hon. J. Melville Broughton, Security Bank Building, Raleigh, N. C.; Dr. Robin C. Buerki, dean, Graduate School of Medicine, University of Pennsylvania, Philadelphia, Pa.; Mr. Graham Davis, director, hospital division, W. K. Kellogg Foundation, Battle Creek, Mich.; Dr. Michael Davis, Committee for the Nation's Health, 1790 Broadway, New York, N. Y.; Mr. Albert W. Dent, president, Dillard University, New Orleans, La.; Mr. Clinton S. Golden, Solebury, Bucks County, Pa.; and Mrs. Evelyn Hicks, radio station WTNB, Box 1248, Birmingham, Ala.

The National Mental Health Act

Mr. Pepper, of Florida, for himself and six other Senators,[13] introduced on August 1, 1945, S. 1160, and it was referred to this committee. Its purpose was to provide for, foster, and aid in coordinating research relating to psychiatric disorders; to provide for more effective methods of prevention, diagnosis, and treatment of such disorders; and to establish the National Neuropsychiatric Institute.

Hearings were held on S. 1160 before the Subcommittee on Health, March 6, 7, and 8, 1946,[14] at which representatives of the Public Health Service, the Selective Service System, the armed forces, other Government agencies, veterans' organizations, the medical profession, teaching institutions, churches, civic and lay groups, and individuals appeared. Among the most important recommendations made by those attending the hearings were the following: A national mental health program sponsored by the Federal Government but carried to fulfillment by State and local governments and private institutions and individuals; authority for the Surgeon General of the Public Health Service to work through State mental health authorities in those States which have such authorities separate from the State health authorities; use of Federal funds for research in mental disorders; early diagnosis and treatment of mental disorders to make possible more recoveries; establishment of mental hygiene clinics as a means of eliminating hospitalization; training of psychiatric personnel to provide more adequate care; and increase in the limit of cost of construction of the National Mental Health Institute.

In the House H. R. 2550, which was introduced on March 9, 1945, by Mr. Priest, of Tennessee, was revised as H. R. 4512 to fit the provisions of the bill into the framework of the Public Health Service Act (42 U. S. C., ch. 6A). Some professional persons had objected to the use of the term "neuropsychiatric" in the bill as being too limited in scope, so the term "psychiatric" was substituted and the name of the bill changed from "National Neuropsychiatric Institute Act" to "National Mental Health Act." The term "mental health authority" was added in appropriate places to enable the Surgeon General to deal with such authorities in those States in which the mental health program is administered by a State agency separate from the State health authority. To meet objection to the establishment of a separate program for grants-in-aid to the States for mental health work, section 314 (c) of the Public Health Service Act was amended to increase the limitation on the amount which may be appropriated for grants to the States for general public health work by $10,000,000 to include work in mental health.

H. R. 4512 was reported out by the House Committee on Interstate and Foreign Commerce, December 14, 1945,[15] and passed by the House on March 15, 1946,[16] after the following amendments were made on the House floor to provide for: (1) The appointment of additional officers to the Regular Corps of the Service to carry out the mental health provisions of the act; (2) selection of 3 of the 6 members to be appointed by the Surgeon General to the National Advisory Mental

[13] Messrs. Thomas (Utah), Tunnell, Hill, Murray, LaFollette, and Aiken.
[14] Hearings before the subcommittee of the Committee on Education and Labor, U. S. Senate, 79th Cong., on S. 1160, March 6, 7, 8, 1946.
[15] H. Rept. 1445, 79th Cong.
[16] 92 Congressional Record 2387.

Health Council from a panel of six outstanding authorities in the psychiatric field submitted by the deans of the approved medical colleges and schools of the United States; (3) obtaining the consent of a legal guardian before the transfer of a patient from St. Elizabeths Hospital to the National Institute of Mental Health for study purposes; (4) deletion of the provision for grants to public and other nonprofit institutions for construction, acquisition, or leasing of hospital, clinic, or related facilities necessary to provide training in mental health.

The Senate committee accepted the House version of the bill (H. R. 4512) as passed and reported it out on May 16, 1946,[17] after making the following changes: (1) Deleted House change No. 2; (2) deleted No. 3; (3) restored No. 4; and (4) amended section 11 of the bill to increase the limit on the amount authorized for the Institute from $4,500,000 to $10,000,000 to meet increased cost of construction. The bill passed the Senate on June 14 without consideration being given to the amendments proposed by the committee.[18] It was reconsidered in the Senate the next day in order to consider the committee amendments. All were agreed to except the one limiting the cost of the Institute. This was reduced to $7,500,000. The Senate passed the bill with the foregoing amendments on June 15, 1946.[19]

The conferees of the two Houses [20] on the bill agreed that the consent of a legal guardian be obtained before transfer of a patient from St. Elizabeths to the National Institute of Mental Health for study purposes be permitted; that the amount of money to be authorized be increased from $4,500,000 to $7,500,000 to meet the increased cost of construction, and that additional health officers be appointed. The requirement that three of the six advisory board members be selected from a panel of six selected by the deans of recognized medical schools was deleted from the bill. The Senate amendment of grants to hospitals for construction, etc., of facilities in connection with mental training was compromised by eliminating specific mention of construction, etc., of facilities, but allowing aid to public and nonpublic institutions "to the extent necessary for the purposes of such training and institutions."

The conference report was adopted by the Senate on June 26 and by the House on June 28, 1946.[21] The President signed the bill on July 3, 1946.[22]

No appropriation was made by the Seventy-ninth Congress to carry out the provisions of the act. The House Appropriations Committee attached to the terminal-leave appropriation bill (H. R. 4501) passed by the Senate a rider appropriating $5,208,000 for the mental health program. The House passed the bill as amended,[23] but the item for mental health was deleted in conference.[24]

The National Health Act

A comprehensive program of health care by a system of compulsory health insurance with provision for a special program of maternal

[17] S. Rept. 1353, 79th Cong.
[18] 92 Congressional Record 7061.
[19] 92 Congressional Record 7121.
[20] H. Rept. 2350, 79th Cong.
[21] 92 Congressional Record 7711, 8045–8046.
[22] Public Law 487, 79th Cong.
[23] 92 Congressional Record 6792.
[24] H. Rept. 2706, 79th Cong.

and child health (S. 1606) was introduced on November 19, 1945, immediately following a special message from the President on a national health program,[25] by Messrs. Wagner and Murray in the Senate, and the bill was referred to this committee. Mr. Dingell introduced an identical bill in the House the same day, and it was referred to the House Interstate Commerce Committee.

Title I of the bill provided: Federal grants-in-aid for (1) expanded public-health services, (2) expanded maternal and child-health services, and (3) medical care of needy persons. The Federal Government would pay between 50 and 75 percent of what a State spends for such programs, with poorest States getting the largest percentage of aid.

Title II of the bill provided: A system of prepaid personal health services for gainfully employed workers and their families. Preventive, diagnostic and curative services were to be furnished by general practitioner of the individual's choice, specialist and consultant services, laboratory and related services, and necessary hospital care up to 60 days a year for each member of the family, or 120 days if funds permitted. Dental and home-nursing services were also provided, although these might be limited in scope at the outset if there were insufficient personnel. All licensed physicians would be able to participate if they wished.

The above two titles, somewhat revised, were formerly part of S. 1050, which provided for a revision of the whole social-security program, including the financing of it. No action was taken on the bill by the Finance Committee to which it was referred. In the Seventy-Eighth Congress a similar bill to S. 1050, known as the Wagner-Murray-Dingell bill, numbered S. 1161 was likewise referred to the Finance Committee but no action was taken on it.

Hearings were held over a period of 3 months,[26] and testimony received from more than 130 witnesses, including physicians, dentists, nurses, Government officials, labor unions, farm groups, lawyers, and representatives of private health insurance plans and church, civic, welfare, cultural, hospital, and public health groups.

Most witnesses agreed that there is urgent need for improving existing methods of financing medical care. The basic issues revolved around the merits of national health insurance, on the one hand, and of the alternatives proposed by its opponents on the other, namely, private health insurance and increased public funds for medical care to low-income and needy persons.

The proponents[27] of the bill argued that by pooling resources and spreading risks, scaling premiums according to income, and equalizing medical purchasing power, national health insurance would for the first time make complete medical care available to all of the people; also that it would raise medical standards by making possible preventive treatment, putting the doctor-patient relationship on a less commercial basis, stimulating group practice, providing for medical training and research, and attracting medical personnel and facilities to sparsely settled areas. Opponents[28] of the measure countered that national health insurance would restrict freedom of choice, destroy professional incentive, foster malingering, and establish a bureaucratic medical "dictatorship." They suggested that extension of the rapidly growing private and local medical and health plans would eventually meet the need, and would do so more quickly, if subsidized.

[25] President's Message on Health, H. Doc. 380, November 19, 1945.
[26] Hearings before the Education and Labor Committee, U. S. Senate, 79th Cong., 2d sess., on S. 1606, five volumes.
[27] The administration, labor, welfare, consumer, educational, and church groups and a minority of organized medicine.
[28] The American Medical Association, State medical societies, the American Hospital Association, American Bar Association, U. S. Chamber of Commerce, and other medical, industry, business groups, and individuals.

In response to these claims supporters of the bill pointed out that coverage and benefits of the private and local health plans are necessarily restricted, costs are prohibitively high because of higher administrative and selling expenses and the smaller insurance base, and that the proposed Government subsidies to voluntary plans would be an inferior substitute for a national system of health insurance in which the people would have more control over the use of their funds.

During the course of the hearings Messrs. Taft, Smith, and Ball introduced on May 3, 1946, S. 2143, to be cited as the National Health Act of 1946. While no request was made for hearings on this bill, reference was made to it during the hearings on S. 1606. S. 2143 would have created as an independent agency a National Health Agency headed by an Administrator appointed by the President, with the consent of the Senate, who would be a doctor of medicine. To the agency would be transferred the various Federal activities dealing with health except those of the Army, Navy, or Veterans' Administration. The agency would be composed of: (1) The Office of the Administrator; (2) the Public Health Service, which would assume administration of St. Elizabeths Hospital and Freedmen's Hospital; (3) the Food and Drug Administration; (4) the Office of Vocational Rehabilitation; (5) the Office of Maternal and Child Health (in which there would be an advisory council); (6) the Office of Health Statistics; and (7) such other units as the Administrator should find necessary. The Public Health Service Act would be amended to provide grants-in-aid, on the basis of population and tax-paying ability, to States which set up comprehensive systems for furnishing free health and medicine service to persons who are unable to pay, and for this purpose $200,000,000 would be authorized for the year ending June 30, 1947, and for each of the four succeeding years. The program would be under the direction of the Surgeon General who would consult with a National Health Council composed of the Surgeon General ex officio as chairman and eight members appointed by the Administrator of the agency; $476,000,000 would be authorized to be spent on a similar basis over a 5-year period ending June 30, 1951, to provide dental health services to school children and other persons who are unable to pay. In administering the dental health program the Surgeon General would be required to consult with a National Dental Health Council consisting of himself as Chairman, the Assistant Surgeon General (dental), and five members appointed by the Administrator. Beginning with the fiscal year ending June 30, 1947, and for the four succeeding years $2,000,000 would be authorized for grants-in-aid to universities and similar institutions for general medical research and $2,500,000 for medical research in, and operation of, the National Institute of Health. Within the institute would be a division called the National Institute of Dental Research, and a National Institute of Neuropsychiatric Research, the latter to act in cooperation with a National Advisory Council on Mental Research which would be created by the act, in dealing with neuropsychiatric problems. For grants-in-aid and research in this field (including scholarship pay-

mendments) $1,450,000 would be authorized to June 30, 1948, and $1,200,000 would be authorized for subsequent fiscal years. An additional $5,500,000 would be authorized for new construction for research in the dental and neuropsychiatric fields.

The Congress adjourned without any action by the committee on these two bills.

Maternal and Child Welfare Act of 1945

To safeguard and enhance the health and well-being of the Nation's 40,000,000 children and of mothers during child bearing, the Maternal and Child Welfare Act of 1945, S. 1318, was introduced by Mr. Pepper, of Florida, on July 26, 1945, for himself and nine other Senators,[29] and was referred to this committee. The bill proposed Federal aid to the States to insure the development within 10 years of State and local health and welfare services which would reach mothers and children throughout the Nation, whatever the family's income, race, or residence.

The bill provided for Federal aid to the States for care of mothers and children in sums totaling $100,000,000 for the year ending June 30, 1946, and thereafter in amounts sufficient to carry out the purposes of the program. The authorizations for 1946 were: (1) $50,000,000 for complete maternity care including prenatal and postnatal service, and for preventive, curative, and corrective services for children in home, school, and clinic; (2) $25,000,000 for medical care and other services to crippled and otherwise handicapped children; (3) $20,000,000 for strengthening the public child-welfare services in the States, and for suitable care and protection for children without parental care and supervision, designed to curb juvenile delinquency; (4) $5,000,000 for administrative purposes. The allotments made to States under the maternal child health, and crippled children's program were not required to be matched dollar for dollar by the State except that under the child-welfare-services program States whose per capita income was less than that of the United States would contribute not less than 25 percent of the total expenditures nor more than the percentage which bears a ratio to 50 percent as the per capita income of the State bears to the United States. Funds under the maternal and child-health and crippled children's programs were to be allocated on the basis of local medical care costs, special maternal and child-health problems, and the financial need of the State for help in carrying out its program. The State plans were to provide that there would be no racial or religious discrimination and no residence requirements.

Hearings on S. 1318 were held before the Subcommittee on Health on June 21 and 22, 1946.[30] In the hearings on S. 1606 [31] testimony was also received on the somewhat similar provisions for maternal and child health in title I.

Representatives of the United States Children's Bureau presented evidence at the hearing on both S. 1606 and S. 1318, showing the health and welfare needs of mothers and children. According to their testimony each year some 3,000 mothers needlessly die in child bearing and some 30,000 babies needlessly die in their first year. While the incidence of illness, they testified, is higher during childhood than at any period other than old age, in 1942 40 percent of the counties in the United States had no service from a full-time public-health unit, one-third had no public-health nurse, 3 out of 4 rural counties had no regular maternity clinics, 2 out of 3 had no regular monthly child-health conference. They also pointed out that currently there is widespread incidence of crippling conditions, with 175,000 children suffering from active tuberculosis, 200,000 with epilepsy, 500,000 with rheumatic fever and heart disease, 500,000 with orthopedic and plastic defects, 1,000,000 with hearing defects, 4,000,000 with visual defects, and 20,000,000 with dental defects. Evidence was presented that State crippled children's agencies had on their registers at the beginning of 1946 the names of 20,000 children needing treatment for whom no care could be provided.

The Bureau's statement indicated the need for an extension of child welfare services by bringing to the committee's attention the facts that nearly 4,000,000 children have lost one or both parents; 60,000 children are known to be orphans of servicemen who died in the Second World War; 700,000 children are in homes broken by divorce, desertion, or separation of their parents; over 80,000 babies are born out of wedlock each year, and nearly half of the unmarried mothers are under 20 years of age.

Evidence was also submitted showing that in 1944 2,770,000 mothers of children under 14 years of age were employed, most of them because of economic necessity, with the result that many children are left without supervision or guidance. Juvenile delinquency was reaching alarming proportions according to many of those testifying. It was also pointed out that each year more than 250,000 children are brought before juvenile courts and several times that number are dealt with by the police.

Support for S. 1318 as introduced came from a large number of diverse organizations and groups including labor groups, parent-teacher associations, women's groups, child-welfare organizations, church organizations, farm, civic, and professional groups.

The American Medical Association and organized medicine generally were opposed to S. 1318. An extension of the voluntary health plans and more public funds for medical care to the low-income groups were offered as a more desirable alternative of meeting the problem.

Other groups felt that the comprehensive plan of medical care envisioned in S. 1318 should be achieved more easily as part of the comprehensive health insurance plan was embodied in the revised Murray-Wagner-Dingell bill. Still others pointed out that to the extent that the appropriation to do the full job as outlined in the bill was not made, such a program would inevitably result in charity medicine.

Until a more comprehensive approach to the problem could be agreed upon many of the witnesses advocated an increase in the appropriation of title V of the Social Security Act.

Previous to the hearings by this committee the Subcommittee on Aid to the Physically Handicapped of the House Labor Committee

[29] Messrs. Walsh, Thomas of Utah, Hill, Chavez, Tunnell, Guffey, La Follette, Aiken, and Morse.

[30] Hearings before the Committee on Education and Labor, U. S. Senate, 79th Cong., 2d sess., S. 1318, June 21 and 22.

[31] Hearings before the Committee on Education and Labor, U. S. Senate, 79th Cong., 2d sess., vols. I–V.

held hearings on H. R. 3922,[32] as companion bill to S. 1318, on May 29, June 6 and 7, 1946. The full committee reported the bill on July 25, 1946, substantially as introduced, except for some clarifying and technical amendments.[33] No further action was taken on it in the House.

After considering the testimony and in view of the few days remaining before adjournment, this committee recommended as a substitute that appropriations for existing programs for maternal and child welfare be increased. On the recommendation of the committee, Messrs. Pepper and Taft introduced into the Senate on July 15, 1946, a joint resolution (S. J. Res. 177) which was referred to the Finance Committee, to treble the amount of the appropriations for maternal and child welfare authorized under title V of the Social Security Act. At the same time the committee recommended renewed consideration be given to the health and welfare needs of mothers and children at the next session of Congress.

The Finance Committee accepted the recommendation of this committee and amended the Social Security Act amendments (H. R. 7037) in accordance with Senate Joint Resolution 177.[34] It passed the Senate on July 30, 1946,[35] and went to conference. The conference recommended [36] and both Houses accepted [37] on August 2, 1946, its last legislative day, the conference report which increased the annual appropriations for Federal grants-in-aid for maternal and child health from $5,820,000 to $11,000,000; for crippled children from $3,870,000 to $7,500,000; for child welfare from $1,510,000 to $3,500,000. These increased amounts were appropriated for the fiscal year 1946–47 in the first supplemental appropriation of 1947.[38] Title V of the Social Security Act was also amended to include the Virgin Islands.

The bill was signed by the President on August 10, 1946, and became Public Law 719, Seventy-ninth Congress.

Promptly on the enactment of this legislation and the passage of the appropriation, the United States Children's Bureau called into session representatives of State and Territorial health and welfare departments to work out with them plans for extending their services with the new funds. The Children's Bureau reports to the committee that these public agencies are enthusiastically developing their programs to reach more mothers and children, and have proposed the creation of a number of special projects to meet their most urgent health and welfare needs.

Social Protection Bill, S. 1779

On January 30, 1946, Mr. Pepper, on behalf of himself and Messrs. George, La Follette, and Taft, introduced S. 1779 and it was referred to this committee. The bill would authorize the Federal Security Administrator to assist the States, by means of technical and professional advisory services and the collection and publication

[32] Introduced on September 5, 1945, by Representatives Norton (New Jersey), Kelly (Pennsylvania), and Patterson (California). Hearings before the Subcommittee on Aid to the Physically Handicapped of the House Labor Committee, 79th Cong., 2d sess., May 29, June 6–11, 1946.
[33] House Report No. 2662, 79th Cong., 2d sess.
[34] S. Rept. 1862, 79th Cong.
[35] 92 Congressional Record 10561.
[36] H. Rept. 2724, 79th Cong.
[37] 92 Congressional Record 10821–10824, 10889–10896.
[38] Public Law 663.

of information, in matters relating to social protection. The bill authorized a ceiling appropriation of $700,000 for the fiscal year ending June 30, 1947.

On March 9, 1946, hearings were held before the Subcommittee on Health and Education.[39] Watson B. Miller, Federal Security Administrator, presented a comprehensive review of favorable developments during the war years in the repression of prostitution and promiscuity and the control of venereal disease, and a forecast of postwar problems, indicating how a social protection program might aid in meeting these problems. The problems were set forth under the following headings:

Threatened return of prostitution	Prostitution and the courts
Promiscuity	Juvenile delinquency
Redirection of sex delinquents	Venereal disease
Interagency cooperation	

The bill received strong support from such groups as the National Advisory Committee for Social Protection for Venereal Disease, many State and local health and law enforcing agencies. There was no recorded opposition to the bill.

On April 15, 1946, Mr. Pepper submitted a favorable report.[40] On June 3, 1946, the bill was called up in the Senate under unanimous-consent agreement and was passed.[41]

Concurrently in the House of Representatives, Mrs. Frances P. Bolton, Congresswoman from Ohio, introduced a companion bill (H. R. 5234). This bill was referred to the House Committee on the Judiciary. Hearings were held in that body by a subcommittee of the Judiciary Committee,[42] of which Congressman Francis E. Walter was the chairman, and the bill was reported out by the full committee on June 17, 1946.[43] Following a favorable report by the Rules Committee of the House on June 26, the Bolton bill was placed on the House Calendar and was debated on July 15, 1946,[44] with a final vote taken on July 16, to recommit the bill to the Judiciary Committee.[45]

Dental Research

S. 190,[46] a bill to provide for, foster, and aid in coordinating research relating to dental diseases and conditions and to establish a National Institute of Dental Research, was introduced in the Senate on January 10, 1945, by Mr. Murray and referred to this committee. The bill would authorize an annual appropriation not to exceed $730,000 to maintain the institute and to provide grants-in-aid of dental research. Grants-in-aid would be made to any reasearch institution, public or private, upon the recommendation of the National Advisory Dental Research Council. Provision is also made for dental research fellowships.

The bill was officially sponsored by the American Dental Association which represents a membership of approximately 60,000 dentists,

[39] Hearing before subcommittee of the Committee on Education and Labor, U. S. Senate, 79th Cong., March 9, 1946.
[40] Senate Rept. 1178, 79th Cong.
[41] 92 Congressional Record 6255, 6256.
[42] Hearings before the Committee on the Judiciary, March 18, 1946.
[43] House Rept. 2294, 79th Cong.
[44] 92 Congressional Record 9134, 9141.
[45] 92 Congressional Record 9260.
[46] H. R. 3816, an identical bill, was introduced in the House of Representatives by Representative Priest on July 17, 1946.

or about 80 percent of the practicing dentists of the United States. S. 190 received the endorsement and active support of a number of major lay and professional organizations interested in the expansion of dental research activities and the improvement of dental health.[47] These included the National Congress of Parents and Teachers, the American Council on Education, the American Association for the Advancement of Science, the Association of State and Territorial Health Officers, the American Public Health Association, the National Education Association, the Health Council of the American Labor Party, the American College of Dentists, the National Dental Association, and numerous State dental societies and schools of dentistry, as well as many individuals.

Representatives of these groups and the Surgeon General of the United States Public Health Service testifying before the Subcommittee on Health, emphasized the need for more adequate facilities and personnel for the effective conduct of dental research on a nationally coordinated basis. They called attention to the urgent need for the development of specific measures for the prevention and control of dental diseases, notably dental decay and pyorrhea, which affect practically the entire population. They pointed out further that productive research is fundamental to the succesful prosecution of a program of dental health education and care for the American people. In order to provide further assistance in accomplishing this broad objective, a bill, S. 1099, was introduced on June 4, 1945, by Messrs. Aiken and Pepper, to provide funds for grants-in-aid to States to assist in developing and maintaining dental health programs. This second bill also was sponsored by the American Dental Association, and hearings were held jointly on the two bills.

S. 190 was reported favorably on May 20, 1946, by the committee,[48] with only one amendment, an increase in the authorization from $1,000,000 to $2,000,000. The increase was justified on the basis of the increased cost of construction since the original bill was drafted.

The bill passed the Senate without objection on June 14, 1946,[49] and was referred to the House Interstate Commerce Committee. No other action was taken on the bill in the House.

[47] Hearings before a subcommittee of the Committee on Education and Labor, U. S. Senate, 79th Cong., June 26, 27, and 28, 1945.
[48] Senate Rept. 1363, 79th Cong.
[49] 92 Congressional Record, 7029, 7031.

PART III. EDUCATION AND RECREATION

Vocational Education

S. 619, providing for the further development of vocational education, introduced in the Senate on February 26, 1945, by Mr. George for himself and others was referred to this committee. This bill differed specifically from the Smith-Hughes and George-Dean Acts in making the following proposals:

1. To increase the total authorizations of Federal funds to the States for the several vocational fields, and provide area vocational schools.
2. To authorize States to use Federal funds in part for adequate programs of administration and supervision.
3. To enable States to use Federal funds for securing necessary information and data as a basis for the proper development of vocational programs in the States.
4. To authorize appropriation of $1,500,000 to be used by the States for the stimulation of vocational guidance programs.
5. To authorize the use of Federal funds for the purchase or rental of equipment and the purchase of instructional supplies.
6. To require that State plans include provision for utilization of representative advisory committees.
7. To authorize work experience training programs for out-of-school youth.
8. To provide that the day trade and industrial school for persons over 18 years of age or who have left full-time school might operate less than 9 months per year and less than 30 hours per week and eliminate the requirement that a minimum of 50 percent of the time be given to shop work on a useful or productive basis.
9. To permit States to match Federal funds on a 50-percent basis in the first year and increasing 10 percent each year until 100 percent matching would be in effect in 1956.

The Subcommittee on Education and Labor (Mr. Olin D. Johnston, of South Carolina, acted as chairman of the subcommittee in place of Mr. Elbert D. Thomas, of Utah) was designated to study the various provisions of S. 619 and to report their recommendations to the full committee. Public hearings were held on the bill April 30 and May 1 and 2, 1945.[1] The subcommittee considered the bill over a period of many weeks, during which time many authorities were consulted with respect to various sections and provisions of the bill. On June 26, 1945. Mr. Johnston reported the bill.[2]

The report recommended an amendment to the bill in the nature of a substitute. It amended the existing George-Dean Act by provid-

[1] Hearings before a subcommittee of the Committee on Education and Labor, U. S. Senate, 79th Cong., on S. 619, April 30, May 1 and 2, 1945.
[2] S. Rept. 1588, 79th Cong.

ing additional Federal funds for the extension of the present program of vocational education without changing the basic law—the Smith-Hughes Act. The change eliminated the appropriation items in the original version of S. 619 for "public-service training," "training for office occupations," "area vocational schools," and for "State supervision of industrial-arts education." Elimination of these items constituted a total reduction of $81,350,000, the original bill having proposed an authorization of $97,500,000.

On July 5, 1946, the Senate agreed to the committee bill, as amended, and the bill was passed.[3]

The bill, as amended by the Senate, was referred to the House Committee on Education on July 8, 1946. The House committee, having held hearings on H. R. 4384 (introduced October 16, 1945, by Mr. Barden, of North Carolina), a somewhat similar vocational education-aid bill, without further hearings, proceeded to consider S. 619, as amended by the Senate. Two substantial amendments were agreed to: One amendment struck out the appropriation of $1,500,000 for vocational guidance and the other required matching by the States or local communities on a 50–50 basis. The other amendments were technical. On July 24 the House committee reported the bill to the Committee of the Whole House.[4] On July 26, 1946, Mr. Barden (chairman) moved the suspension of the rules and passage of the bill, as amended by Senate and House committees. The rules were suspended and the bill was passed.[5]

The bill as passed by the House was returned to the Senate, where Mr. George moved that the Senate concur in the amendments made by the House. The motion was agreed to, the Senate thus concurring in the House amendments.[6]

On July 30 it was announced that the Speaker had affixed his signature to the bill and that it was signed by the President pro tempore.

The bill was presented to the President of the United States on July 31 and was signed by him on August 1, 1946.[7]

The Office of Education, having been designated to administer the act, has been interpreting the legislation and developing the policies for operation under its provisions. Eight regional conferences with executive officers of State boards for vocational education and State directors of vocational education have been held to study the act and develop policies.

Since the act amends the George-Deen Act and Congress had appropriated funds and States had their State plans drawn and approved under the George-Deen Act, the new provisions of Public Law 586 will not, in reality, be effective until Congress has appropriated additional funds authorized in the new act.

Federal Aid to Education

For more than two decades measures to provide Federal aid to the States for general education have been before the Congress. During the Seventy-ninth Congress two such measures received careful study by this committee, and a third was presented in the closing days of the second session "for the purpose of stimulating study and constructive discussion * * *."

The two bills receiving special attention and study were S. 181, introduced on January 10, 1945, by Mr. Thomas of Utah and Mr. Hill, of Alabama, and S. 717, introduced on March 8, 1945, by Mr. Mead, of New York, and Mr. Aiken, of Vermont.

As originally introduced, S. 181 authorized (1) an emergency annual appropriation, temporary in character, of $200,000,000 to be apportioned to the States in proportion to the average daily attendance of pupils attending public elementary and public secondary schools for the purpose of providing funds for teachers' salaries to keep schools open, employment of additional teachers, and adjustment of salaries of teachers and other school employees to meet the increased cost of living during the war emergency; (2) a continuing annual appropriation of $100,000,000 to be apportioned to the States under a simple and objective formula based upon need (measured by an index which related financial ability of the State to the number of children 5 to 17 years of age) for the purpose of more nearly equalizing public elementary and public secondary school opportunities among and within the States.

S. 717 was a four-title bill in which (title I) a National Board of Apportionment was set up in the Federal Security Agency to formulate policies for the allocation of funds authorized to be appropriated under titles II, III, and IV as follows:

Three hundred million dollars (title II) for the equalization of educational opportunities among all children in public and nonpublic schools, in the allocation of which the Board of Apportionment was to take into account the ability of a State to meet its educational needs, the facilities actually available, and the population of the State between the ages of 5 and 20, with 75 percent of the funds earmarked to help pay the teachers' salaries in public schools and the remaining 25 percent to be used to help eradicate illiteracy, keep schools open a minimum of 9 months, and reduce overcrowded classes by the employment of additional teachers.

One hundred million dollars (title III) to assist the States with current expenditures for books, libraries, visual aids, school health programs, transportation, and other educational projects, to be apportioned (for public and nonpublic schools alike): 50 percent on the basis of total population, and 50 percent in accordance with policies determined by the National Board of Apportionment.

One hundred and fifty million dollars to provide needy persons between the ages of 14 and 20, inclusive, with the means to continue their education, apportioned on the basis of population between the ages of 16 and 20.

Extensive hearings were held on S. 181 and S. 717 beginning in January 1945 and extending into May of that year.[8] Testimony taken at the hearings presented data and arguments designed to establish or to controvert the need for Federal financial assistance to the States for education, the practicability of providing Federal financial assistance without Federal control of education in the States, and the justice

[3] 92 Congressional Record 8453–8455.
[4] H. Rept. 2658.
[5] 92 Congressional Record 10349–10351.
[6] 92 Congressional Record 10372.
[7] Public Law 586, 79th Cong.

[8] Hearings before the Committee on Education and Labor, U. S. Senate, 79th Cong., vols. I and II, January 29, 30, 31, February 1, 2, 8, April 11, 12, 19, 20, 21, 23, 24, 25, 26, May 3, 4, 1945.

and practicability of providing such financial aid to public and nonpublic schools alike.

Following these hearings the chairman appointed a special subcommittee consisting of Mr. Hill, as chairman, Mr. Ellender, Mr. Chavez, Mr. Tunnell, Mr. La Follette, Mr. Taft, and Mr. Aiken to study the testimony taken on S. 181 and S. 717 and draft a bill which the full committee might report.

Out of the subcommittee discussions a revised bill in the nature of a substitute for S. 181 was developed, which bill Mr. Taft, of Ohio, joined Mr. Hill and Mr. Thomas in introducing. It was accepted by the subcommittee and reported to the full committee. The committee made a thorough study of its provisions and discussed the problem of aid to private schools. It was in this connection that the chairman invited Mr. Mead to appear before it in executive session to explain the provisions of his bill as an alternative approach to the problem of Federal aid. The committee concluded that the question of whether aid should be given to private schools should be decided by the State, and amended the bill so as to prohibit any provision of the act from limiting a State in its definition of its program of public education. It thus permitted schools and services which receive support from State and local revenues as eligible to share in the benefits of the act.

The committee, in reporting the bill,[9] showed in very concrete terms how unequal educational opportunity in this country really is. The best-financed school systems, it pointed out, were expending in 1939–40 as high as $6,000 per classroom unit, while the poorest financed school systems spent as little as $100 per classroom. The average salary of school teachers and supervisors ranged from $654 annually in Mississippi to $2,679 annually in New York the report stated. The length of the school term, and the proportion of children attending high school were low in the low-income States, according to the report, while selective-service rejections for illiteracy and teacher turnover in these States were very high. The report emphasized that the States where the number of children to the total population was high were usually the very States with the lowest income per capita and the States which were making the greatest financial effort in providing education for their young. The report concluded that the very basis of American life—opportunity—could not be realized without more education and that inequality in education, if permitted to continue, would result in social stratification and regional and racial inequality.

The main provisions of the bill as reported may be summarized as follows:

1. It authorized appropriations of $150,000,000 for the first year, $200,000,000 for the second year, and $250,000,000 annually thereafter "for the purpose of more nearly equalizing public elementary school and public secondary school opportunities among and within the States."

2. It provided for an apportionment formula, new in Federal aid to education measures, which related factors of State educational load (measured by number of children 5 to 17 years of age in the State) and State financial ability (measured by a 5-year average of annual income payments received in the State) to State financial effort to support education (measured by a percentage of its annual income payments averaged over a 3-year period expended for current expenses of education).

3. It provided that after the fourth year of the operation of the act each State must spend $40 per child in average daily attendance for current expenses in each local school administrative unit.

4. It required a "just and equitable apportionment" of Federal allocation between races in those States maintaining separate schools for separate races.

5. It expressly prohibited any Federal control of the administration, personnel, curriculum, instruction, or methods or materials of instruction.

[9] S. Rept. 1497, 79th Cong.

Accompanying Senate Report 1497, which recommended passage of S. 181, there was presented a separate statement of views by Messrs. Murray, Walsh, Aiken, and Morse, which stated in part:

> The bill (S. 181) is good as far as it goes, but it falls far short of insuring a good education for all children * * *.

The separate statement then went on to state that—

> the Federal Government in providing aid to education must be careful, not only not to interfere with local or State systems of education but not to discourage or encourage one system of education as against the other.

Education, it insisted, must operate for all children. After listing the Federal programs in which Federal aid was given to nonpublic institutions or for services in nonpublic institutions, the four Senators pointed to the value of private enterprise in all fields of endeavor in American life, and how in its absence in the field of education a Government monopoly could lead to nationalism or totalitarianism. The separate statement then referred to the question of whether aid to private schools would, in effect, bring about the union of church and state. Careful consideration of the question led the Senators to conclude that such a fear was groundless. But the separate statement then emphasized—

> "another tenet of our democratic belief which we hold to be just as sacred and important as the separation of church and state is that of freedom of religion.

Penalties it insisted should not be imposed on those who carry out the practices and the teachings of their religion; nor should the state supplant the duties of parents in the instructions and training of their children, but rather should it supplement and facilitate it. The Senators then asked for "a new and bolder approach" and said that—

> it should be the policy of the Education and Labor Committee at the next session of Congress to make a comprehensive review of the entire educational situation and map out a long-range program which will meet the educational needs of this growing Nation.

Although favorably reported by the Committee on Education and Labor on June 13, 1946, the amended S. 181 was not brought before the Senate for debate and action before adjournment in August, due to pressure of other legislative matters and in view of the improbability of House concurrence at that session, had favorable Senate action been taken.[10]

[10] Hearings on H. R. 1296 (companion measure to S. 181), introduced by Mr. Ramspeck, of Georgia, had earlier been held by the House Committee on Education, which voted on December 12, 1945, against reporting Federal aid legislation for House action.

Near the close of the second session Mr. Murray introduced for himself, Mr. Morse, and Mr. Pepper a third Federal aid bill (S. 2499), whose provisions incorporated "the new and bolder approach with respect to Federal aid" which had been set forth in the "Separate statement of views" that had accompanied the favorable report of the committee on S. 181. The principal provisions of this six-titled omnibus educational measure may be summarized as follows:

(A) BASIC EDUCATIONAL PROGRAMS AND SERVICES

The bill authorizes the appropriation of $500,000,000 for the first year, with an increasing amount each year up to $1,000,000,000 at the end of 10 years. It provides for the allotment of the funds on the basis of educational need as determined through the ratio of total income payments in the State to the total national income in relation to the number of persons in the State and Nation 4 to 20 years of age. But no State shall receive less than $5 per child between 4 and 20 years of age the first year and larger amounts each succeeding year up to $10 per child at the end of 10 years.

Certain requirements must be met as to the percent of income payments to be spent upon education within the State. These must increase from year to year—from 2 percent the first year to 3 percent the last year and thereafter in order to qualify to receive funds under the act.

The State plans must meet certain Federal requirements and provide that 3 percent of Federal funds shall be spent for preelementary education; 33 percent for elementary; 33 percent for secondary, including vocational education of noncollegiate grade; 17 percent for higher education; and a smaller percentage for other activities, including not above 2 percent for the expenses for the State agency administering the funds. The Commissioner shall approve any plans which fulfill the conditions specified in the act.

(B) SCHOLARSHIPS AND FELLOWSHIPS

Authorizes and appropriation of $70,000,000 for the first year to $350,000,000 at the end of 10 years and thereafter such sums as Congress may determine. Distributes on the basis of persons in the State 16 to 24 years of age and the number of such persons in the several States. State plans must be presented to the Commissioner and receive approval in order for a State to qualify for the funds. The plans must provide that 20 percent shall go for scholarships for students enrolled in the last 2 years of high school; at least 40 percent for high-school graduates enrolled or eligible to enroll in junior colleges, technical schools, vocational schools, colleges and universities; and 20 percent for graduate students. Two percent is provided for expenses of administration.

(C) PLANNING AND CONSTRUCTION OF EDUCATIONAL PLANT FACILITIES

Appropriates $200,000,000 for the fiscal year ending June 30, 1948; $300,000,000 for the second year; for the year ending June 30, 1950, and for each year thereafter until June 3, 1957, the sum of $400,000,000; and thereafter such sums as Congress may determine. Funds are distributed to the States according to a formula based on need and number of children to be educated. State plans are to be presented and approved. One of the conditions of such plans is that the rates of pay for laborers and mechanics shall not be less than the prevailing local wage rates for similar work as determined in accordance with Public Law 403 of the Seventy-fourth Congress, as amended. Three percent is provided for the expenses of administration.

(D) CAMPING PROGRAMS FOR CHILDREN AND YOUTH

Appropriates $25,000,000 for the fiscal year ending June 30, 1948, increasing to $125,000,000 over a period of 10 years and thereafter such sums as Congress may determine. The funds are distributed on the basis of the urban child population of the ages 10 to 16, inclusive. State plans must be submitted and approved. Some provisions require that the facilities and programs must be made available without discrimination on account of race, creed, color, or economic status. Two percent is provided for expenses of administration.

(E) ADMINISTRATION

Provides that the United States Office of Education shall be administered within the Federal Security Agency by a Commissioner, appointed by the President, by and with the advice and consent of the Senate. The Commissioner shall consult and advise with a National Advisory Council of nine members appointed by the President for 4 years, with overlapping terms. Also provides for advisory committees appointed by the Commissioner. Also defined are the functions of the United States Office of Education, among them—

to administer such Federal programs, including the grants-in-aid programs authorized by this act, and to exercise such other powers and perform such other duties and functions in the field of education as are now assigned to it or may be provided by presently existing or by subsequent legislative enactment.

A program of development, administration, and research is provided covering school problems for which $10,000,000 is appropriated for 1947–48, increasing in 7 years (1954) to $25,000,000 and thereafter such sums as Congress may determine.

(F) NATIONAL STANDARDS

The national standards which must be met in the State plans as a basis for approval include: The States must accept the provisions of the act through legislative enactment; establish a single State agency for carrying out the provisions of the act; provide an audit by the State agency; provide reports and in such form as the Commissioner shall prescribe; provide a just and equitable apportionment of funds received for the benefit of each such group in States which maintain separate schools for separate population groups; provide that the funds shall be made available to every State-approved educational agency in need thereof; that the State plan shall progressively provide for the advancement of education in the State, such as a minimum teachers' salary of $1,500 for 180 days in 1950, to be increased to $2,000 in 1955; equal facilities for all children regardless of race, color, creed, or place of residence; provide free textbooks and supplies; require that public

service, other than instructional services, be made equally available to all children attending nonprofit tax-exempt schools meeting the requirements of the State's compulsory-attendance laws; school attendance 6 to 16 for not less than 180 days.

In the operation of the State plans, the Commissioner shall estimate the sums to which each State is entitled at the beginning of each fiscal year and shall cause audits to be made of the expenditures. If plans are not approved, he shall make no further certification to the Secretary of the Treasury with respect to such plans.

(G) NATIONAL BOARD OF APPEALS AND REPORT TO CONGRESS

A National Board of Appeals of three members appointed by the Supreme Court of the United States is provided to hear appeals and shall have the power to affirm the action of the Commissioner or to set it aside in whole or in part.

There shall be a full report to Congress by the Commissioner of the administration of the act and the accomplishments of the various States.

Emergency Aid to War-Congested Schools

After the surrender of Japan, while the program carried on by the Federal Works Agency under titles II and IV of the Lanham Act was generally liquidated as rapidly as possible, it was considered desirable to continue for a time the assistance given to the maintenance and operation of schools in certain war-congested communities. On March 18, 1946, Mr. Lanham introduced a bill (H. R. 5796) providing for the continuance of contributions, if required, to (*a*) schools which had received such assistance during the fiscal year 1946 and which still required assistance; (*b*) schools which would suffer loss of revenue because of acquisition or ownership of land by the United States; and (*c*) schools providing services to children residing in a Federal installation.

The bill was reported to the House on April 1, 1946,[11] with an amendment which consisted of the deletion of the provision authorizing contributions to schools providing services to children residing in a Federal installation.

After passage by the House,[12] the bill was transmitted to the Senate and there referred to this committee on April 17, 1946. The committee, after considering the bill in executive session, reported it on May 20, 1946.[13] It was passed by the Senate on June 14, 1946,[14] and became a law with the President's approval on June 26, 1946.[15]

The Third Urgent Deficiency Appropriation Act, 1946, made available for these purposes $7,000,000 of the unobligated balances of the funds previously appropriated for carrying out title II of the Lanham Act.

Lanham Act assistance to the maintenance and operation of schools during the previous fiscal year had totaled approximately $13,500,000, and the Federal Works Agency, through its Bureau of Community

[11] H. Rept. 1836, 79th Cong.
[12] 92 Congressional Record 3794–3795.
[13] S. Rept. 1364, 79th Cong.
[14] 92 Congressional Record 7028–7029.
[15] Public Law 452, 79th Cong.

Facilities had estimated that $10,000,000 would be required for this program in the fiscal year 1947. Since the sum made available by Congress for this purpose was less than that which had been estimated as needed, a restrictive policy was adopted by the Agency with respect to allotments.

In July 1946, for the information of school authorities, it was announced that schools in need of less than 10 percent of their total budget and those that had had an expansion of less than 10 percent in attendance should take steps to obtain necessary funds from State or local sources. Other schools would receive decreased Lanham Act contributions, to be based on a study by the Agency of their needs. By October 15, estimates for the 1946–47 school year were available, and the reductions were made in the allotments. In general, funds locally available, together with Federal contributions, will cover approximately 94 percent of the approved maintenance and operation expenditures of this group of schools, which, accordingly, will have to obtain the remaining needed funds from non-Federal sources or will have to reduce their expenditures.

Public Library Service Demonstration Bill

On March 12, 1946, Mr. Hill, of Alabama, introduced S. 1920. The bill proposed a program of Federal grants-in-aid for two purposes:

1. To provide demonstrations of adequate public-library service to people without it or inadequately served.
2. To provide means for studying various methods of providing public-library service primarily in rural areas and for studying the effect of administration on an area basis upon the development of library service.

Appropriations were authorized to provide $25,000 annually to each State for a period of 5 years and additional amounts ranging from $25,000 to $50,000 annually if matched by States or their local subdivisions.

Plans for the use of Federal funds for the above-mentioned purposes were to be submitted by State library agencies. Such plans would not need to be uniform and were to be drawn entirely by the State agencies. All administration and operation were to be controlled by the State agencies.

The Commissioner of Education would be required to make annual reports to Congress upon operation of the demonstrations and to make a final public report evaluating the demonstrations.

The bill was referred to this committee and subsequently referred to the Subcommittee on Education. Hearings were held on May 29, 1946.[16]

Evidence supporting the bill was presented through a motion-picture film, Libraries on Wheels, which showed the practicability of a demonstration of public-library service in a Canadian rural area (the Frazier Valley).

Witnesses with long experience in education and library service and in rural problems and in providing rural library service submitted evidence to show—

[16] Hearings before Subcommittee on Education of the Committee on Education and Labor, U. S. Senate, 79th Cong., May 29, 1946.

1. That public libraries are essential to adult education—one of the weakest points in our educational system.

2. Some means of providing accurate information on all sides of all questions is necessary for citizens to decide intelligently about the many complex questions of government, business, social, and individual problems confronting them.

3. That public-library service is admirably adapted to this service.

4. The bill makes provision, for the first time on a national scale, for the study of methods of taking library service into difficult areas.

5. Such research if done locally or under State governments without Federal leadership would be much more costly in time and money and would produce inferior results.

6. Similar projects in other related fields have long been a responsibility of the Federal Government.

7. Need for such research and demonstration of adequate public library service exists in each of the 48 States and has created widespread public support for the bill.

The subcommittee reported that the bill should pass with amendments increasing the effective period from 4 to 5 years and increasing the amounts available for matching by each State from a maximum of $50,000 annually to $75,000 annually.

The full committee reported on June 21 with two Senators dissenting that the facilities provided by the bill are essential to the functioning of education in the United States and recommended passage.[17] Its consideration was passed over on July 29, because of objection from the floor of the Senate.

An identical bill was introduced simultaneously in the House of Representatives[18] on which a public hearing was held by a subcommittee of the House Committee on Education on July 24 and 25.[19] This subcommittee reported favorably to the full committee but the bill was not reported out before the end of the Seventy-ninth Congress.

Community Recreation Services Bill

Mr Elbert D. Thomas, of Utah, for himself and Messrs. Murray, Magnuson, and Aiken, on April 15, 1946, introduced S. 2070, the community recreation services bill, and it was referred to the committee.

A special subcommittee was appointed to consider the bill.[20] S. 2070 authorized the Federal Security Administrator to provide upon request assistance to the States and their political subdivisions in developing wholesome community recreation programs, by means of technical advisory services and the collection, publication, and distribution of specialized information, statistics, and reports. The bill authorized a ceiling appropriation of $450,000 annually to carry out the purposes of the act. To unite leadership in the public and private agency fields and to provide an instrument for planning, policy making, and action on a broad scale, the bill further authorized the creation of a National Advisory Board on Recreation Services selected from leaders of national standing in the fields of public and private recreation or allied fields.

[17] S. Rept. 1575, 79th Cong.
[18] H. R. 5742 by Mrs. Emily Taft Douglas.
[19] Messrs. Kelley of Pennsylvania, Keogh, and McCowen.
[20] Mr. Hill, Alabama, chairman; Mr. Thomas, Utah; Mr. Fulbright, Arkansas; Mr. La Follette, Jr., Wisconsin; Mr. Ball, Minnesota.

Hearings were held on May 13 and 27 and witnesses representing local, State, and national interests and organizations, public and private, presented oral and written testimony both for and against the bill.[21] After consideration of the testimony in executive sessions, the majority of the committee concluded that there existed urgent need for the Federal Government to assume the obligation which was authorized in the bill for making available expanded technical services in the recreation field, and recommended the bill without modification as an efficient and economic way of meeting this obligation.[22]

All of the testimony emphasized (1) that there is great need for, and public interest in developing and improving, community recreation throughout America; (2) that this need and interest is a matter of great national significance; (3) that the basic responsibility for providing opportunities for the people of this country to make the proper use of their free time belongs to the States and communities; and (4) that in carrying out this responsibility, the States and communities require, from some source, technical advice and service.

The opposition testimony emphasized mainly two points: (1) That additional time is required by the recreation forces of the country to study and determine the exact nature of the role of the Federal Government in the community recreation movement; and (2) that adequate technical and advisory recreation services are now available through existing governmental and nongovernmental agencies to meet the current needs of States and communities.

In contrast to these arguments a number of public and private recreation leaders of the Nation were in agreement (1) that thousands of towns and communities have acute and present need for technical recreation services and advice which are not now adequately available from any source; (2) that the Federal Government has a clear obligation to make available to States and communities advice and help which they are not receiving from other sources in working out their own recreation responsibilities; and (3) that the bill as presented thoroughly protects the autonomy, initiative, and responsibility of the States and communities.

After the bill was reported out by the committee, the legislation died on the calendar, its consideration having been objected to on three calls of the calendar.

[21] Hearings before a subcommittee of the Committee on Education and Labor, U. S. Senate, 79th Cong., on S. 2070, May 13 and 27, 1946.
[22] S. Rept. No. 1648, 79th Cong.

PART IV. HOUSING AND CONSTRUCTION

Educational Facilities, Bills

In order to provide temporary educational facilities for veterans, Mr. Mead introduced on January 28, 1946, S. 1770, and on April 19, 1946, S. 2085, and they were referred to this committee.

In the words of Mr. Mead, with reference to these bills:

> What I am now proposing * * * is that we provide additional emergency relief (to colleges) by enacting S. 2085, which would amend title V of the Lanham Act to authorize the Federal Works Administrator to acquire structures or facilities no longer required for use by other Federal agencies and to disassemble, transport, and re-erect them at any educational institution where there exists or impends an acute shortage of such facilities. * * * Where the need is not merely temporary, but will continue, I propose in S. 1770 a further amendment to the Lanham Act authorizing the Federal Works Administrator to construct and equip educational facilities.

On May 16, 1946, a hearing was held on these two bills before the Housing Subcommittee[1] Representatives of the United States Office of Education and the leading educational organizations testified that hundreds of thousands of veterans would be unable to get the education or training which they were seeking under the GI bill of rights unless educational facilities at many colleges were expanded by permanent construction or the use of temporary structures.

The committee considered both bills in executive session and reported out S. 2085 with changes.[2] Perhaps the most important change was a provision placing the responsibility for the determination of an existing or impending shortage of educational facilities at educational institutions on the United States Commissioner of Education, rather than on the Federal Works Administrator. This arrangement, it may be noted, is one that has sometimes been advocated as applicable to programs of construction of particular kinds in which some agency of Government has a special interest; the responsibility for determining the specific need for construction and other relevant responsibilities may well be placed on one agency having specialized knowledge of this particular field while at the same time the responsibility for the performance of construction activities is placed upon the agency organized and equipped to assume construction responsibilities.

In the House, the Committee on Public Buildings and Grounds, reported out S. 2085 with an amendment,[3] introduced by Mr. Manasco, specifying that surplus property should be transferred to the Federal Works Administrator only after the preference to veterans provided for in section 16 of the Surplus Property Act of 1944, as amended, had been fully satisfied in accordance with its terms. This applies to surplus personal property, which, under the Manasco

[1] Hearings before Subcommittee of the Committee on Education and Labor, U. S. Senate, 79th Cong., 2d sess., May 16, 1946.
[2] S. Rept. 1666, 79th Cong.
[3] H. Rept. 2657, 79th Cong.

amendment, must be offered for sale to veterans before it can be acquired under this program by the Federal Works Agency for the use of educational institutions. This amendment was agreed to by both the House and the Senate.[4]

It passed both Houses without objection, and was approved by the President August 8, 1946.[6] It carried an authorization for an appropriation of $100,000,000.

An appropriation of $75,000,000 for carrying out the provisions of this legislation had already been included in the Third Deficiency Appropriation Act, 1946 (H. R. 6885), approved July 23, 1946.[7]

Due to the late date at which the law was enacted—late especially with reference to the opening of colleges in the middle of September—it was not expected that transfers of structures would be effected to any considerable extent in time to meet the needs of student veterans during the early fall. Moreover, definite procedure had to be arranged among the several agencies upon whom the act placed administrative responsibilities—the United States Commissioner of Education, the War Assets Administrator, the National Housing Administrator, and the Federal Works Administrator.

In order to expedite the determination of need for facilities at educational institutions, representatives of the Commissioner of Education have been placed in the division offices of the Federal Works Agency; and administrative funds will be transferred from the FWA to the Office of Education to finance this part of the program. Surplus structures in all parts of the country have been located, inspected, and claimed by the personnel in such division offices. Some structures previously acquired by the National Housing Agency and later determined as excess to its prospective needs have been released for this program. The War and the Navy Departments have transferred structures to the Federal Works Agency directly under a blanket approval given by the WAA, and have agreed to the temporary educational use of certain structures "in place" on a revocable permit basis. To carry out the intent of the act with respect to educational equipment and supplies the War Assets Administration agreed to give top priority to educational institutions certified by the FWA for the purchase of specified items at a nominal price in advance of public sales. The working out of satisfactory methods for the acquisition of surplus property has required the closest collaboration among the several agencies, and the establishment and revision of procedures has been a lengthy process, extending into October.

For more effective administration within his own establishment, the Federal Works Administrator has placed primary responsibility for the execution of the program upon the Bureau of Community Facilities. Records of that Bureau, as of December 20, show that 1,200 justifications of need had been received, 964 findings of need had been made, and 685 applications had been approved for the provision of educational facilities involving an aggregate money expenditure to the Bureau (for dismantling, transportation, reerection, etc.) of $48,765,900.

[4] 92 Congressional Record 10348–10349, 10391–10392.
[6] Public Law 697, 79th Cong.
[7] Public Law 663, 79th Cong.

Temporary Housing (S. J. Res. 122 and S. 1821)

Senate Joint Resolution 122 was introduced by Mr. Mead, of New York, on November 29, 1945, to authorize an appropriation of $160,000,000 to carry out the purposes of title V of the Lanham Act.

Title V of the Lanham Act had been enacted earlier in the year to provide temporary housing for veterans in areas where the need could not be met by moving temporary war housing from areas where it was not occupied and reerecting it in communities where it was needed for veterans and their families. Under the original program, temporary war housing no longer required in the areas where it had been built originally was being made available by the National Housing Agency to municipalities and educational institutions. Because funds were not available to the National Housing Agency to move and reerect this surplus temporary war housing, it could only be made available to municipalities and educational institutions able to themselves finance its transportation and reerection. The rapid demobilization of the armed forces had precipitated an urgent need for housing for veterans and few municipalities and educational institutions had the necessary funds and legal authority to spend such funds for acquiring housing.

Title V originally did not contain an authorization for appropriations to carry out its purposes. It merely provided that funds appropriated pursuant to the authorization in title I of the act were available to carry out the purposes of title V. While no funds were available, there was an unused authorization of $35,627,000 under title I.

Hearings were held on December 4. Mr. Mead appeared and explained the need for his resolution and its purposes. Representatives of the National Housing Agency also appeared in support of the resolution and presented a proposed reuse program. The United States Conference of Mayors stated that municipalities were in desperate need of the housing it would provide.

On December 7 the committee reported [8] Senate Joint Resolution 122 with amendments. As reported, the resolution authorized appropriations under title V not exceeding $160,000,000, the transfer of housing in the hands of other Federal agencies to the National Housing Agency for reuse by veterans, and the payment by the National Housing Agency of the costs of moving and reerecting of any temporary housing. The municipalities and educational institutions receiving the housing were to provide the sites and connection utilities.

The bill as reported by the committee, was passed without any change by the Senate on December 11,[9] and on December 18 the resolution was passed by the House with the addition by the House of the McMillan amendment.[10] The amendment provided for reimbursement of municipalities and educational institutions which had, previous to the enactment of the resolution, expended funds for the transporting and reerecting of housing furnished to them under title V.

On December 19,[11] the Senate concurred in the House amendment thus completing congressional action on the bill. The bill was approved by the President on December 31, 1945.[12]

[8] S. Rept. 839, 79th Cong.
[9] 91 Congressional Record 11992–11995.
[10] 91 Congressional Record 12471–12486.
[11] 91 Congressional Record 12528.
[12] Public Law 292, 79th Cong.

Concurrent with enactment of Senate Joint Resolution 122 the Congress included in the First Deficiency Appropriation Act for 1946 an appropriation of $191,900,000 to carry out the purposes of title V, as amended by the Mead resolution.

S. 1821

S. 1821 was introduced by Mr. Mead on February 9, 1946.

The Housing Expediter's report to the President on February 7, 1946, outlining the veterans' emergency housing program, stated the need for an additional appropriation of $250,000,000 to provide, pursuant to title V of the Lanham Act, more temporary housing for veterans through the reuse of surplus barracks and other temporary war housing.

S. 1821 amended title V of the Lanham Act to provide for a $250,000,000 increase in authorization. The committee met in executive session on February 15 to consider the bill, and on February 21 reported the bill in amended form.[13]

In order to expedite the reerection of housing, municipalities and other organizations acquiring the housing, who were required to prepare the sites and install the street and utility mains, were authorized by the bill as reported by the committee also to perform the whole job of reerecting the housing and to be reimbursed on an appropriate basis for that portion which the Federal Government would otherwise perform. This amendment was intended to speed up the program. Second, the committee included a technical amendment to permit Lanham Act funds to be used for administrative expenses for the Office of the Housing Expediter and the processing of priorities and allocation of materials for public and private housing. The bill as reported was passed by the Senate on February 26.[14]

A companion bill, H. R. 5455, was introduced by Mr. Lanham, of Texas, on February 12, and on February 26 the House Committee on Public Buildings and Grounds reported it [15] with a change in the provisions with respect to administrative expenses which would have eliminated the use of Lanham Act funds for the expenses of processing priorities and allocation of materials for housing and certain other necessary functions of the Housing Expediter. Under this amendment, there would have been no funds available for processing the applications of private builders for priorities to construct housing.

The House passed the bill as amended by the House Committee.[16] The bill went to conference, and the House amendment was changed by the conferees [17] to provide that the Lanham Act funds may be used for the administrative expenses of the National Housing Agency in performing any functions with respect to priorities and allocations of materials or equipment and of the Housing Expediter (including, until June 30, 1947, those of other Government agencies in carrying out parts of the veterans' emergency housing program as authorized by law, to the extent that additional administrative expenses were involved) in performing any functions with respect to facilitating the

[13] S. Rept. 986, 79th Cong.
[14] 92 Congressional Record 1642–1643.
[15] H. Rept. 1652, 79th Cong.
[16] 92 Congressional Record 2319.
[17] H. Rept. 1803, 79th Cong.

provision of veterans' housing authorized by existing law. The bill became law March 28, 1946.[18]

Pursuant to the increased authorization, Public Law 341, Seventy-ninth Congress, approved April 12, 1946, appropriated $253,727,000 for veterans' temporary reuse housing.

The reuse of temporary war housing as a part of the veterans' emergency housing program has made it possible to provide housing quickly for the veterans who need it most and with the least possible drain on the limited supply of building materials. Approximately half of this temporary reuse housing is being made available to colleges for GI students. About 90 percent of the total temporary reuse housing program was under way by the end of September and one-fourth had been completed.

The committee recognized the emergency character of the proposed legislation, and through its efforts Senate Joint Resolution 122 was enacted within the 3-week period preceding the Christmas holidays, and the second bill, S. 1821, was enacted with a minimum of delay.

[18] Public Law 336, 79th Cong.

PART V. WORKMEN'S COMPENSATION

Amendment to Compensation Act To Provide for Extension of Coverage, and Other Changes

S. 714 was introduced March 8, 1945, by Mr. Murray, and referred to this committee.[1] The bill contained proposed amendments to four sections of the Employees' Compensation Act (secs. 10, 11, 20, and 42), approved September 7, 1916—a workmen's compensation law providing benefits for disability or death in cases of employees of the United States injured while in the performance of duty. The first section of the bill proposed to amend section 20 of such Compensation Act so as to enable the United States Employees' Compensation Commission to waive the time limitations in the act affecting the filing of notice of injury and claim for compensation. It also proposed to authorize such waiver where the failure to give notice or to file claim was due to circumstances beyond the control of the beneficiary, or where the employee gave sufficient cause in explanation of his failure to comply with the statute, providing material prejudice to the interest of the United States did not result from such failure.

Section 2 of the bill proposed to strike from section 10 of such act certain limitation provisions impinging upon the payment of death benefits; that is, it was designed to remove a limitation which required death to result from injury within 6 years as a condition precedent for the payment of death benefits. This section also removed another onerous requirement that death must result from injury not later than 1 year after the cessation of disability.

Section 10 (G) of such act was modified in the bill by striking out the limitation provision that workmen's compensation benefits may be paid only for a period of 8 years from the time of death of an employee in respect to certain dependents. This limitation affected principally the parents of the deceased workman.

Section 4 of the bill related to the payment of compensation to persons neither citizens nor residents of the United States, its Territories, or Canada, and provided, in substance, that with respect to such noncitizens and nonresidents schedules of compensation should be established whenever the amount of compensation under such act of September 7, 1916, is substantially disproportionate to compensation payable locally to nationals of other countries. This proposal in the bill was to make it possible to pay compensation substantially in accordance with local prevailing rates in foreign areas where persons may be employed by the Government. The amendment also included provisions for prompt settlement of claims and delegations of authority to facilitate claims adjustment. The bill also prescribed the manner in which it was to apply retrospectively.

[1] 91 Congressional Record 1922.

Upon considering the bill, the committee adopted the recommendation of the Chairman of the United States Employees' Compensation Commission, but amended the bill so as to place a 5-year limitation with respect to waiving the bar of limitations affecting the filing of claim for compensation, so that the waiver of failure to comply with the statutory provisions might be exercised by the Commission only if a claim had been filed with the Commission within 5 years after injury or death.

The committee also added to the bill an amendment suggested in the report of the Chairman of such Compensation Commission, which consisted of a paragraph designated (b), added to section 5 of the bill. This paragraph provided that employees of the Government who, as the result of capture or detention by the enemy, suffered disability or death during the recent war shall be deemed to have sustained injury while in the performance of their duty, thus placing disability and death due to the rigors of detention upon the same footing as injury incurred while in the performance of duty.

The bill was favorably reported on June 27, 1945, by the committee with the amendments referred to.[2] The Senate proceeded to consider the bill on July 2, 1945, and the measure, as amended by the committee, was passed without debate.[3]

The bill was referred to the House, where it was sent to the Committee on the Judiciary.[4] The bill was passed in the House without amendment on July 19, 1945,[5] and was approved by the President on July 28, 1945.[6]

Amendment to Compensation Act To Include Certain Employees Detained by the Enemy

S. 1561 was introduced November 6, 1945, by Mr. Downey, of California, and referred to this committee. The bill contained a proposed amendment to 42 U. S. C. 1701 (b), an act providing compensation for injury, death, or detention by the enemy of employees of contractors with the United States employed outside the United States. Such section of the code provided for payment to employees of Government contractors of benefits during their detention by the enemy, consisting of 100 percent of their pay (the wage of the employee is computed so as not to exceed the average weekly wages paid to civilian employees of the United States in the same or most similar occupation in the area outside of the United States where the contractor's employee was employed). The bill provided that the 100 percent of the wage shall be paid commencing January 1, 1942. Under an act approved December 23, 1943, the detained employees were provided with 100 percent of their pay from January 1, 1944, in lieu of previous weekly benefits, based upon the maximum compensation for total disability payable under the Longshoremen's and Harbor Workers' Compensation Act. The object of the bill S. 1561 was merely to provide retrospectively for the payment of 100 percent of the employees' pay for the years 1942 and 1943. The bill repeated the statutory provision but specified the commencement date for the increased benefits as January 1, 1942.

[2] S. Rept. 421, 79th Cong.
[3] 91 Congressional Record 7219.
[4] 91 Congressional Record 7322.
[5] 91 Congressional Record 7944.
[6] Public Law 161, 79th Cong.

Upon consideration of the bill, the committee concluded to adopt substitute provisions proposed by the United States Employees' Compensation Commission. The substitute provisions carried forth the identical purpose of the original bill (namely, to increase the benefits for the 2-year period mentioned), but provided that such increased benefits should be paid from the date of capture of the employee, which in some instances was upon a date subsequent to January 1, 1942. The committee also included in its amendment provisions proposed by the United States Employees' Compensation Commission to prevent the dual payment of benefits and for the adjustment of any overpayments of detention benefits unavoidably made because of the absence of factual information showing the proper status of some of the detained or deceased workmen.

The bill was favorably reported on June 21, 1946, by the committee with the committee amendments.[7] The Senate proceeded to consider the bill on July 17, 1946, and the bill, as amended by the committee, was passed without debate.[8] The bill was referred to the House Committee on the Judiciary,[9] and was favorably reported by that committee.[10] The bill passed the House without debate on July 25, 1946, in the same form as it had passed the Senate,[11] and was approved by the President August 12, 1946.[12]

Amendment to Workingmen's Compensation Act, to Provide for Extension of Coverage and for Other Changes

S. 1325 was introduced July 28, 1945, by Mr. Fulbright and Mr. Thomas of Utah, and referred to this committee. The bill contained proposed amendments to three sections of the United States Employees' Compensation Act of September 7, 1916. The first section of the bill proposed to amend section 7 of such Compensation Act (1) by making the workmen's compensation liability under that act the exclusive liability of the United States and to eliminate any concurrent tort liability, or remedy by an employee against the United States otherwise than under the Compensation Act, and (2) by eliminating dual payments of workmen's compensation benefits and other statutory benefits on account of the same injury or death. This latter provision would have required an election of remedies in cases of such dual benefits.

Section 2 of the bill proposed to amend section 12 of the Compensation Act by specifying the elements which shall be considered in determining an employee's monthly pay for the purpose of computing compensation benefits. Section 3 of the bill proposed to amend section 40 of the Compensation Act so as to bring within the provisions of the Compensation Act "civil officers" of the United States, as well as civil employees. Section 4 of the bill related to the date of application of the several amendments.

This committee favorably considered the bill and reported it, with minor amendments consisting principally of slight language modifications.[13]

[7] S. Rept. 1574.
[8] 92 Congressional Record, p. 9308.
[9] 92 Congressional Record, July 18, 1946, p. 9524.
[10] H. Rept. 2510, on H. R. 6997, companion bill introduced by Mr. Tolan, of California.
[11] 92 Congressional Record 10077, 10078 (in lieu of H. Rept. 6997).
[12] Public Law 650, 79th Cong.
[13] S. Rept. 888, 79th Cong.

Upon considering the bill, the committee amendments were agreed to by the Senate and the bill was passed on April 12, 1946, without further amendment or debate.[14] The bill was referred to the House Committee on the Judiciary,[15] but no further action on the bill was taken.

Amendment to Compensation Act To Provide for Treatment by Chiropractic Practitioners

S. 178 was introduced by Mr. Murdock on January 10, 1945, and referred to this committee.[16] The bill proposed to amend section 40 of the Employees' Compensation Act of September 7, 1916, by including within the definition of the term "physician," "chiropractic practitioners licensed by State law and within the scope of their practice as defined by State law."

Hearings were held by the committee[17] and the committee favorably reported the bill with amendments.[18] The committee amended the bill, removing the proposal to change the definition of "physician," but including a proposal to amend section 9 of the Employees' Compensation Act so as to authorize the furnishing to employees of services, appliances, and supplies prescribed or recommended by chiropractic practitioners, as well as physicians, and amended the sixth paragraph of section 40 of such act to include within the meaning of the term "medical, surgical, and hospital services and supplies" reference to such services and supplies by chiropractic practitioners.

The bill, as amended by the committee, was considered and passed by the Senate on June 14, 1946, without debate.[19] The bill was referred to the House, where it was sent to the Committee on the Judiciary.[20] No further action was taken on the bill.

---

[4] 92 Congressional Record 3638.
[5] 92 Congressional Record 3831.
taken.
[6] 91 Congressional Record 164.
[7] Hearings on S. 178 before a subcommittee of Committee on Education and Labor, U. S. Senate, 79th Cong., May 16, 1945, and June 13, 1945.
[8] S. Rept. 1317, 79th Cong.
[9] 92 Congressional Record 7025.
[10] 92 Congressional Record 7161.

MSH 07868

END OF
TITLE